

**PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **October 2, 2002.**

Members Present:

Legislator Angie Carpenter - Chairperson
Legislator David Bishop - Vice-Chair
Legislator Lynne Nowick
Legislator Joseph Caracappa
Legislator William Lindsay
Legislator Maxine Postal

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Doug Sutherland - Aide to Legislator Carpenter
Tom Donovan - Aide to Presiding Officer Tonna
Ed Hogan - Aide to Legislator Nowick
Dave Ryan - Aide to Legislator Nowick
Fred Pollert - Director/Budget Review Office
Rosalind Gazes - Budget Analyst/Budget Review Office
Joe Michaels - Deputy County Executive for Public Safety
Bill Faulke - County Executive's Office/Intergovernmental Relations
John Gallagher - Commissioner/Suffolk County Police Department
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
James Maggio - Deputy Commissioner/Suffolk County Police Department
Bill Rohrer - Suffolk County Police Department/Public Information
Walter Denzler - Undersheriff/Suffolk County Sheriff's Department
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department
Fred Daniels - Deputy Commissioner/Fire, Rescue & Emergency Services
Jean DeNunzio - Purchasing Division/Department of Audit & Control
Robert Kearon - Division Chief/District Attorney's Office
Vito Dagnello - Vice-President/Correction Officer's Association
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.
Tom Muratore - Vice-President/Police Benevolent Association
Debbie Eppel - Public Information Office
Ruth Cusack - Suffolk County League of Women Voters
Patricia Bartik - Resident of Shoreham
J. Jioni Palmer - Newsday
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:37 A.M.*)

CHAIRPERSON CARPENTER:

All right, we are just about ready to begin the Public Safety Committee. I would ask everyone to rise for the Pledge of Allegiance to be led by Legislator Bishop.

Salutation

Thank you. We have a couple of discussion items that are probably going to be kind of lengthy, so I'm going to go to the cards first, we only have two cards. Ray Wysolmierski, and forgive me if I've mispronounced it.

MR. WYSOLMIERSKI:

Good morning.

CHAIRPERSON CARPENTER:

Good morning.

MR. WYSOLMIERSKI:

Last month I came before this panel to discuss with you the situation with respect to Farmingville and I mentioned at that time that there was a series of crimes in a particular area, all of which were not being taken care of, and I brought with me one gentleman, Scott McManus, who talked about what happened to him with respect to an illegal alien and being hit in the hand and having his hand broken. And I'm here today to tell you some interesting update about that incident, because I don't think the panel yet understands the depth of this problem.

On the same day, actually the morning after Mr. McManus appeared, he was in his house with his children and his children were watching a kiddy show -- he's got two daughters, nine and four -- and they fell asleep on the couch and he shut off the TV and fell asleep on the couch and never bothered to go upstairs. He's on his couch there and it's 4:30 in the morning and what happens? He sees two flashlights in his backyard patio door. Now, here's a man without any hand, he can't use it for fighting and he's concerned, he thinks, "Oh my God, I'm going to have to take on these two guys, my two children are here, what am I going to do." But he's saying to himself, "Well, I hope they just take something from the yard and don't come inside the house proper." Well, they pulled back the sliding door and they pulled back the horizontal blinds and the two flashlights entered the house. What happened next is astounding. He -- because he has this bad hand and he cannot anticipate any kind of a fight, he puts his arms out like this and attempts to try to tackle both men. As he's running toward

them, they say, "Stop, police;" he turns on the lights and indeed it is the police. He says, "What are you doing in my house at 4:30 in the morning? And this on a day after I gave testimony before the Legislature." They say, "We're here chasing an illegal alien who we think stole video tapes," and he said, "And you think he came in my house? Well, it does appear so, we thought we saw a person of that description climbing over a fence. We have a 911 on this." So he said, "That's fascinating because I have a six foot stockade fence with a gully beneath it to get the water away and if they had come

2

over the fence they would have broken their ankle and at least lost one or two tapes." In the meantime, they were opening doors or something like that, ostensibly opening doors to cars on the streets. So he says, "Let's go chase this man with you," and they didn't find anything.

Later on in the morning, around five o'clock, he's outside, because he's now wide awake obviously, and he fined a whole bunch of illegals standing around. He goes up to them and there's one person who speaks perfect English and he said he called in the 911. Now, the house has been there for 40 years, no police have ever come to that house before. At 4:30 in the morning of the same -- of the next day right after he testified before this panel, the police come into his house. We went to Joe Caracappa's office and he called the police and they acknowledged that they had entered the premises; we further checked on that and they still have acknowledged it. They're being covered by the 911 call which we're starting to wonder, is that a cover-your-ass possibility for the police. What is it that the police wanted there? Were they chasing this guy, was this issue real, did they want to plant something there, did they want to find something there, were they looking to discredit Mr. McManus? What exactly were they doing in that house at 4:30 in the morning?

I don't think I have to impress upon this group the significance of this incident. It tells and speaks volumes to the real issue here. What could possibly, what could possibly be so important that the police would find it necessary to enter a home without ringing a doorbell or knocking on a door at 4:30 in the morning on the same night after meeting with this group? Is it the Police Department, do those two policemen do it on their own, were they really following a 911 call or is somebody pulling the strings, and I mean somebody really high up; what is going on here? Somebody has decided that this issue in Farmingville will remain status quo and somebody is saying, "Keep the lid on and I don't care what you have to do to do it." And we're at SQL saying we don't care what that person is, we don't care if it's the whole Justice Department which it may be.

Now, I might sound like I'm a bit out there right now but I'm going to

tell you this. A couple of years ago the Justice Department came to Farmingville, actually they came to the university, to make sure we all play nice. Well, I didn't go to that because I found that a terrorist construct being done by they -- by our own Justice Department upon the people of Farmingville, but there were people there, some of the SQL members did go. And is the Justice Department now dictating what goes on with the Police Department here? What is going on here?

Now, I expect that this group will be asking and conducting some investigations and asking some questions about what exactly took place. We have determined that there was a 911 call but we're wondering about the author of that call. Mr. McManus is terrified, he's not here with me today, he was obtaining legal counsel. What is going on, Ladies and Gentlemen? Thank you.

CHAIRPERSON CARPENTER:

Thank you very much. Next card, Patricia Bartik.

3

MR. WYSOLMIERSKI:

Nothing.

MS. BARTIK:

You're probably all wondering what I have in this bag, right? This is a book of all my orders of protection.

CHAIRPERSON CARPENTER:

If you could just take a seat and speak into the microphone.

MS. BARTIK:

I'm sorry. Good morning.

LEG. CARACAPPA:

Madam Chair, where is the Police Commissioner?

CHAIRPERSON CARPENTER:

I just saw him, actually he's right at the door. And I saw a little look of bewilderment on the gentleman's face who just left, before you begin. What I plan on doing is taking the minutes and we will send them to the Police Commissioner and ask for a response.

LEG. CARACAPPA:

I want to ask for one here on the record.

CHAIRPERSON CARPENTER:

All right. Go ahead, Patricia.

MS. BARTIK:

Good morning. My name is Patricia Bartik, I came here today to share with you some of my experiences related to my history of domestic violence. I hope this committee may be able to help change some of these flaws in our government systems by requesting the appropriate law enforcement departments to review these issues presented, request a meeting with key players to discuss them and hopefully to create new policies within the various --

CHAIRPERSON CARPENTER:
Excuse me, Patricia?

MS. BARTIK:
Yes.

CHAIRPERSON CARPENTER:
If you could, just speak closer into the microphone. And I know that you had sent a letter and it was quite lengthy.

MS. BARTIK:
Right.

CHAIRPERSON CARPENTER:
And if that's what you're planning on reading into the record, it probably would be easier if we just take it and make a copy of it and distribute it to everyone.

4

MS. BARTIK:
I have that here but it's not what I'm going to be reading but it's something else.

CHAIRPERSON CARPENTER:
Okay.

MS. BARTIK:
I hope that -- I request a meeting with key players to discuss them and hopefully to create new policies within the various systems to help other women who experience similar issues with the law enforcement departments. I'm not here today to blame any specific department for lack of services or inappropriate behaviors. I'm here today to share my story and show you documentation that I have accumulated over the years and hope you can use this information to make some changes.

I never plan on making a book of all my orders of protection and correspondence from the abuse that I have endured. Over the years I learned to keep track of important papers and I was very thorough in my own personal advocacy; what I really need to do is write a book. But anyway, we have come so far for improving our services for

domestic violence victims and survivors, however, we still need to do more. I provided each and every one of you with a letter that I recently sent to the New York State Office for Prevention of Domestic Violence and copies of the same letters were sent to local State and Federal elected officials, domestic violence agencies, the Suffolk County Domestic Violence Court, the Sheriff's Department, the Police Department, the Probation Department, the Child Support Enforcement Bureau, Child Support Agencies and the Family Violence Education and Research Center at Stony Brook University and hope to inform representatives from the various disciplines to work together and study flaws and breakdowns in these systems.

For those of you who have not yet had an opportunity to read my letter, here's my story. When I was 19 years old I met a man who I thought I loved; little did I know he would be the one who would strip and rob me of my inner core. For the next five years I lived life on the edge. During this time, money, drugs, sex and fear kept me attracted to this individual. He raped me and beat me several times, always split my lip, broke my nose by punching me between my eyes three time, left knots in my head from punching in the head, threw me outside of my apartment naked, threw me into the bath tub, tried killing me several times by swerving off the road when I was driving, gave me black eyes and choked me until I would pass out. I tried several times to detach myself from him before I used the court system but it never worked; besides, I always believed that he had change.

I can look back now and realize I was so scared to leave him because I really believed he would kill me. The several times I did try to leave he stalked me and it frightened me even more because I never knew when he was coming for me. He beat me throughout our relationship and caused me to miss work, lose jobs, run up high credit card balances, engage in criminal activity and isolated me from everyone I knew including my family.

5

I thought that by having this man's baby he would stop beating me and change into the man I wanted him to be. My pregnancy was not a good one. We were homeless for quite some time and slept at different people's houses and in my car. My son's father developed a crack addiction during this time, it was a horrific experience. After I had my son we applied for welfare and were placed into emergency housing. The house we were sent to was terrible. There were no beds or light bulbs and roaches everywhere. We slept on the floor and my baby slept on my stomach. To forced me to have sex on the first night home from the hospital with our son on my stomach; he didn't care that I was in pain. I knew I did not want a life like this for my baby. When I found permanent housing I sought assistance from Family Court.

I have experienced the whole cycle of domestic violence from having

the first order of protection, getting hit again but not calling the police. I got braver and called the police the first time when he punched me in my mouth, threw me down the stairs and pulled out my hair that later filled a sandwich bag. So I followed up in court and I got my first stay away order. He stayed for a little while but -- he stayed away for a little while but he kept calling me because he wanted to see his son. He begged me not to take his son away from him and promised me he would change; I believed him and took him back. As I continued to go to counseling and attend support group, I was becoming stronger and I finally kicked him out. I was also trying to work my way off of welfare and started working part-time.

While I got stronger he kept getting high and broke into my apartment and terrorized my son and I for hours. When I finally could, I called my mom and I told her to come over and call the police. The Police Crime Squad was in my house because I was brutally raped. He bit my face and shoulder. I went to work the next day because I was afraid I was going to lose my job from all the days I missed from appearing in court. He was released after ten days because he was never indicted; no one informed me. He left jail and broke into my apartment again and I called the police. He was arrested a couple of days later and sentenced to 30 days. No one told me that when you get sentenced for 30 days you only serve 25; he kept calling my job on that 25th day. I called the jail to see if and when he was going to be released and was told they had no record of his release. It turned out he was already released and when I returned home from work that day he was in my backyard and forced me into my house. He tried to kill me again. He punched me in my mouth causing my front tooth to be loose for seven weeks. He threatened to kill me, our son and himself so that we would be together forever. He stabbed me in my leg with a steak knife as he preached the bible to me because he was saved after spending 25 days in jail. One of my friends came to my rescue and I was able to call the police; he was arrested. The following day I went to testify in Riverhead in front of a Grand Jury for the consecutive charges while he was being arraigned in Hauppauge. After leaving Riverhead, my father broke the speed limit on the LIE so we could get to Hauppauge and tell the job that he was indicted in Riverhead; I just made it in time. He could have been released but the judge posted a hundred thousand dollar bail. He was finally indicted on nine counts and a year later was sentenced for a term of two to six years.

During this time when he was away I started getting my life back together. I went back to college and obtained my Associates Degree and started working in the human service field. I advocated with the Crimes Victim Unit and was very disappointed because I kept receiving a bill from the hospital where I had my rape kit performed. While he was in jail he kept sending me letters. I contacted and asked why they were putting his letters through to me. I asked them to be put on

a negative correspondence list. He started addressing the letters to my son. When I contacted the jail again I was told that he had the right to write his sone. I informed the jail that our son was only five and he did not know how to read letters yet. The letters kept coming through. I continued my education and obtained my Bachelor's Degree. During this time I still continued receiving the bill from the hospital until 1995 and that occurred in 1991. I was so upset I went to Police Headquarters and met with an officer in the Domestic Violence Office; this officer could not believe my situation. The day after I met with her I received another bill, that was the last day I ever received one.

When my son's father was paroled after four years it was a very scary time for me. I remember pulling into my driveway and racing with my son to get inside my house. The next time I saw my son's father was in court for child support. He acted civil and apologized to me for his behavior. He asked to see his son. We made arrangements for him to see his son with my father present. He sometimes came out from the city to visit. He enticed me to come to the city so his family could see our son. I did not keep in touch with them and the last time they saw my son was when he was 15 months. I felt safe and he treated me fine for a while. One day he was really mad because I told him I was not coming over the weekend and he kicked me with his steel-tipped Timberland boot. I cried all day from the pain but was so embarrassed that I never made a report and never sought medical attention.

Seven months after he was paroled he came to my house high or hung over from a high and was very abusive. He hit me in my head, scratched my chest and I was fortunate enough to get away in my car but without my son. I went to my parent's house and they went to my house and picked up my son. I called the police from my parent's house and he was arrested for violating an order of protection and was violated for parole. When I went home that night I had to clean-up my house because he had broke almost everything and ripped every piece of work clothing I had in my closet. He maxed out his parole for eighteen more months Upstate and the day he was released he showed up that night at my new house that I own. I called the police with the panic alarm that was installed and he was arrested. He was sentenced to one year but only had to serve eight months. When he was released this time I believe he moved to Minnesota with his other child's mother. I did not hear from him but my parents informed me that he had called several times. In 2000 I received a letter from Child Support Enforcement Bureau informing me that they had intercepted his taxes but he got married and his wife would have to claim her money separately. When we went back to court in 2002, that's when he hit me in the waiting room at the Suffolk County Courthouse and this is what he's currently on probation for now.

I explain in my letter my situation of being revictimized again from the Police Department from this occurrence. I did not report the incident to Internal Affairs because they did apprehend him. He was arrested and appeared in Domestic Violence Court. He was sentenced with three years probation. Because he resided in New York City, he was switched from the Domestic Violence Unit into straight probation in the city. I did learn here in Suffolk County we take all domestic violence out of towners which is good, but he was not accepted into the domestic violence in the city because in the last incident in the courthouse he did not have a gun or a weapon and they only take those cases in the city, and the numbers are so high it's very -- it has to be a very dangerous crime that they take.

It has been very frustrating over the years dealing with my situation. I have worked so hard to get off welfare and remain off welfare since 1994. I have utilized and/or have been involved with every government system that exists. I believe that I have been successful in making this transition because I got involved with different things and built a great support system. I still live in fear because I never know when he will come again for me. I am also disgusted with the system because he is currently lost to probation; he stopped checking in and currently has a warrant for his arrest. I wonder to myself how could this individual, after twelve years of abusing someone, be walking on the street.

I actually may have a lead. Last week I received a telephone call from the Suffolk County Child Support Enforcement Bureau and after receiving my letter they asked me if I had an address for them. I explained that they already knew all the addresses he provided and they were all unsuccessful. I have been calling them and his probation officer over the past two years so when he was monitored by Probation I was hoping that they would make sure that he had a job and I would get child support; kids are much more expensive when they become adolescents. I asked the woman at child support if she could check under his new wife's name. While I was on the phone with her she learned that both her and my son's father applied for public assistance during September, 2002, she was going to call the city public assistance office to get the latest address. I asked her if the computer system runs Social Security Numbers to catch people who are lost to probation or parole but the fingering imaging system only tracks welfare fraud. I informed a Suffolk County Police Officer in the Domestic Violence Unit on Monday and she is going to call his probation officer in the city and/or the warrant unit to provide them with that information, because as a layperson you cannot always relay certain information. Maybe there can be a triage unit for lay people to call into with information so law enforcement could be quickly notified. I have learned to be a great advocate and investigator in my own case. One time I even caught a mistake with the Child Support Enforcement Bureau that there was a miscalculation of \$5,000.

Here are some of the things I would like answers to. What level of responsibility should government systems be held accountable for with violent sociopaths that do not have any respect for authority and our court orders and have lifelong histories of abusing women? I don't know, are you supposed to answer now or do you get back to me?

8

CHAIRPERSON CARPENTER:

No, but whatever questions that you have I certainly will take them and --

LEG. BISHOP:

What level of responsibility, great level of responsibility is supposed to protect you from sociopaths.

MS. BARTIK:

Okay. All right, let me go on. I would like to know how many other women are experiencing situations such as mine and if anyone in government agencies are studying these cases and our patterns of these violent men and deadbeats who are also responsible for taking the lives of women and children. Are there any reports currently available that track these cases? Does the Suffolk County Government realize that they need to create programs in their Probation Department and jail systems to teach responsibility to these violent deadbeat dads who have fathered many children who receive public assistance in order to make welfare reform work. That's the response, pretty much. They need to do something because in order for welfare reform, you know, women need child support, it's a really big issue.

What policy is in place when your office or various law enforcement departments receive letters or phone calls from women who experience multiple problems with the criminal justice system? Can there be a new policy in place for someone from the jail who calls women who have orders of protection to inform them of their perpetrator's release? When is Suffolk County going to enforce all court orders and not allow individuals to get away with not taking court orders serious? There are so many women that are involved with Supreme Court and none payment of child support issues, their husbands don't show up for courts dates and nothing is being done about that. And it clearly states on petitions, too, failure to show up a warrant could be issued for your arrest. Well, it's nice that it's on paper but there's nothing being done about that and that's a problem.

When is the Probation Department going to work with the Child Support Enforcement Bureau and be able to communicate with one another effectively? Still today with our technology they still can't even communicate or access one another's computer systems, so that's definitely an issue I would strongly suggest to look into. Has Suffolk County ever considered having a work release program?

A police officer -- this is just a brief thing that happened at the police station when I applied -- when I went to make a report. A police officer said to me, "Did he piss you off and now you want him locked up?" I explained to her that this was the first opportunity for me to make a report. The same day a detective said to me, "You know this piece of paper isn't going to protect you," as he waived the paper in front of me. I responded by telling him I knew that and that I had many orders of protection against the same person. I told him I was there because this is what I had to do and informed him that the first thing when police ask for -- when somebody calls 911 with domestic violence is do you have an order of protection. What if I was a woman for the first time seeking assistance from the police? This behavior of the police has got to stop. I know it must be so

9

frustrating for police to respond to the same calls over and over, however it is so hard to tell police that you have been abused, call the police, follow through, see the perpetrator in court and get victimized by the system when you have been through it all. The victim is constantly victimized and the criminals are getting away with it.

What is the process for a layperson to take if the police has been victimized by them (sic). How are police officers reprimanded for unprofessional behavior when victims of domestic violence experience blaming the victim? Will Suffolk County ever notify communities when perpetrators of domestic violence move back into their community? I know a woman whose ex-husband's parents just purchased a house right next door to the ex-wife's house under their name and the ex-husband moved in when his order of protection expired. Three weeks ago the husband cut down all the trees in-between the houses.

I would like to thank you for this opportunity and I just want you to know that these services are imperative to women and children who are further forced into dangerous situations and poverty because court orders are not enforced. Thank you. Does anyone have any questions for me?

CHAIRPERSON CARPENTER:

Patricia, thank you very much for coming down. I'm sure it was not easy. I would just like to get a copy now so that I don't have to wait for the minutes of what you've shared with us this morning. I know in your letter that you had said that you were going to appear before the Health Committee, but I think it would be more appropriate to -- is this an extra one?

MS. BARTIK:
Yes.

CHAIRPERSON CARPENTER:

Okay, great. Thank you very much. I think it would be more appropriate to go to Social Services. You know, the system it's not set up -- well, I certainly can't commit someone else's time but I know that the Director of Probation -- I don't see him right now -- oh, there he is. Vinny {Vigeria} (sic) is here from Probation, he's the Director of Probation, and if he has some time -- Iaria; what did I say? Oh, I'm sorry; they're all Italian and I'm allowed to say that. If anyone has any questions of Patricia, but -- Vinny, if you could.

MR. IARIA:

My staff has already met with her.

CHAIRPERSON CARPENTER:

Okay, great. Legislator Nowick?

LEG. NOWICK:

Patricia, I don't have a question, I'm just going to say this to you. After what you've been through and what you have done with your life, I think you could form an advocacy group yourself and run it and help other women. Because you have --

10

MS. BARTIK:

I actually have.

LEG. NOWICK:

Good for you. Good for you. You've a very strong lady, you've done your job.

MS. BARTIK:

Thanks.

CHAIRPERSON CARPENTER:

Thank you again for coming down.

All right, we had discussion at the last meeting about the jail needs study that was done, the RFP. There were quite a few issues raised and I had asked someone from the County Attorney's Office to be here, so if they could please come forward along with the representatives from the Sheriff's Department. And also, Vinny, if you want to come forward, I know that you had some part in the process and might be able to be helpful.

MR. GRIER:

Good morning.

CHAIRPERSON CARPENTER:

Good morning. Joe, did you want to join us at the table, Joe Michaels? I know that Chief Otto had contacted me and I know he also spoke with Legislator Caracappa and provided everyone with a chronological synopsis of the events from their perspective, that has been shared with everyone this morning. So if you want to have that in front of you it might be helpful. Gentlemen, whoever would like to begin or if anyone from the committee has any questions.

Legislator Caracappa, since you really had chaired that committee and worked on this closer than anyone, perhaps you want to begin.

LEG. CARACAPPA:

Well, I'll cut right to the chase with the County Attorney's Office. Why did the RFP disappear? Because that's just basically what happened, it fell off the face of the Earth and nothing ever came of it and it's been years in the making now.

MR. GRIER:

Well, that's not the case. In '99 when the resolution was adopted an attorney from my office was working with the Sheriff's Department formulating the document for circulation. In December of '99 that individual retired, I went back to the County Attorney's Office and I had then ultimately been assigned to work with the Sheriff's Department to put together the RFP. After reviewing what had been the last draft of the RFP at that point, not having any extensive knowledge of the corrections field, I had quite a number of questions which I wanted to have answered so I can ensure that the RFP was both legally sufficient, was not ambiguous in the sense that it clearly defined what we were asking for because the RFP is an integral part of any contract, documents that we put together with who the vendor is, and we wanted to make sure that we were actually getting the services

11

which the RFP had requested. So I had submitted a fairly lengthy letter to the Sheriff's Department asking for -- asking some questions regarding the contents of the RFP. No substantive response was ever received by my office on the RFP.

So at that point, it had ended up not moving forward but we had never received any response on our comments. We were more than prepared to move forward with it but, again, there was no response to us.

LEG. CARACAPPA:
Madam Chair?

CHAIRPERSON CARPENTER:
Sure, Legislator Caracappa, go right ahead.

LEG. CARACAPPA:

Chief Otto, I'm going to put you on the spot now. How true is that?

CHIEF OTTO:

Okay. Let me just go over the time line a little bit so everybody is on the same sheet of music. In August, actually August 26th of '99 a draft RFP was completed and was sent to the County Attorney's Office. The County Attorney reviewed that RFP and made some recommendations and suggested some changes; that was over the phone, we made those changes and on September 9th, '99, a revised draft was sent back to the Assistant County Attorney for a final review. On September 23rd a memo was sent to the same County Attorney requesting a status on their RFP.

On September 27th we were informed by the County Attorney's Office that the County Attorney, Assistant County Attorney was on vacation until October 4th. Then the next -- I guess significant date that we should talk about is we kept on trying from October '99 through February 24th of 2000 to try to find the status of the RFP, to no avail. And then I believe Legislator Caracciolo requested the status of the RFP from the County Attorney's Office On February 25th of 2000. On March 9th of 2000, after six months, a memorandum was sent to the Sheriff's Office from the County Attorney's Office, okay, that was quite lengthy and that was what the County Attorney just brought up. He criticized the draft RFP that we had completed way back in September of '99 and asked for about four or five pages of changes.

The next event occurred when the Sheriff's Office, the Sheriff at the time, Sheriff Mahoney, sent a letter directly to the County Executive requesting that the request for proposal for the jail needs assessment be based on input from the entire criminal justice system in Suffolk County, not just the Sheriff's Office. We're the ones who wrote that RFP, we did what we thought was a good job. We listened to what the County Attorney said in September, we made the changes, we submitted it and then months and months later they tell us to do it all over again with four or five pages of changes. The Sheriff at the time took exception to that and requested the County Executive to step in and get everybody involved, not just our office in this. Again, a few months later, August 16th the Sheriff's Office sent a letter to the County Executive requesting that the RFP be given priority status and that's where it stood till today.

12

LEG. CARACAPPA:

When you made the request to the County Executive's Office asking for the additional input, obviously you didn't receive any input back or correspondence, phone call of any kind with input relating to what then Sheriff Mahoney had suggested and that is what you just said, bringing in all sorts of criminal justice and law enforcement agencies to participate in this. So my answer, long-winded answer -- question

is you never heard back from the County Executive.

CHIEF OTTO:

No, we didn't.

LEG. LINDSAY:

Can I say something?

CHAIRPERSON CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

Maybe I can get to the crux of things. You know, we have a proposal from the County Executive before us to build some additional jail cells and it's been tabled here continuously and we've had some discussion at the last committee meeting that we really don't need these cells, that there's alternatives to incarceration which evidently this RFP was going to answer whether there is a viable alternative or not a viable alternative.

LEG. CARACAPPA:

Part of it.

LEG. LINDSAY:

Am I right?

LEG. CARACAPPA:

It was part of it.

LEG. LINDSAY:

Okay. But, I mean, gentlemen, we're playing a very dangerous game of chicken here. You know, if the Sheriff's Office is correct then, I mean, we've gotten the correspondence from the State Corrections that our jail is overcrowded and they keep giving us exceptions and if they pull the exceptions it's going to cost us a lot of money to house prisoners in other facilities. I mean, if, you know -- so what are we doing? I mean, we've got to get together on the same page and figure out what we're doing or we're going to pay a dear price one way or the other, whoever is right.

CHAIRPERSON CARPENTER:

Legislator Bishop.

LEG. BISHOP:

Thank you. Yeah, what are we doing is definitely the key question and we started down a path in 1998 of properly asking all the necessary questions to determine where we want to go. Unfortunately, we started down the path but never concluded the process and that's why we're here. Now, is it a dangerous game of chicken? Perhaps. But before

you spend \$40 million or before I vote to spend \$40 million, I want to know what is necessary and we have not done what is necessary to determine what is necessary.

For example, you mention alternatives to incarceration; I have raised that issue. We need to study the entire criminal justice system as a whole not just focus on the end result which is the jail, that's how you get into a situation where you continually respond to crisis after crisis and you don't get ahead of the issue, so that hasn't been done. We have not gone through the proper process to determine whether we need to expand the jail.

Now, the County Executive -- Mr. Grier, I know you're here for the County Attorney's Office, perhaps you can or Mr. Michaels can answer the question, who determined that they had the necessary information to amend the Capital Budget five months after it was adopted and significantly change the Capital Budget to forward this project at this time; how was that decision made?

MR. MICHAELS:

A request from the Sheriff, the Sheriff's Department has requested that we go forward with this. There seems to be a question as to whether we're playing against one another; in actuality, I believe the question is more clearly the Sheriff is looking at a facility structurally, we're looking at the proper way of proceeding in terms of determining what type of programs and what type of -- how the jail is going to be in the future.

At the end of the report, the JSAT Report, there were certain recommendations proposed and those are not in conflict with the Sheriff's Department at all, it's simply a recommendation as to looking at what the population projections will be. I mean, there are certain very definite intricacies in terms of the end result, but what the population is going to be, what type of population is going to be in the jail, what type of changes can be expected in the laws that would impact the jail population. We were looking at the actual structure in terms of the jail was 30 years old, it may well be structurally the time to replace it. There are certain -- in the planning process there are certain things that should be taken into consideration when building -- concern with building a jail. What we did with the JSAT Program was simply start out looking at who's in the jail and why they're there. We can end up with a whole series of laws if they change the Rockefeller drug laws where people are pushed back into our jails instead of serving time at a State jail. There are certain laws that are changing where certain people may -- certain crimes may be decriminalized and that may affect the jail population. So what we were trying to do with the JSAT Program or JSAT study was to look at the jail, who's in it now and what we can anticipate down

the road as to who is going to be in it; and that is not a simple science, it does require additional study. And that's why we're where we're at today.

We got the State to pay for the study, the JSAT Study. It was labor intensive, it took 18 months, it took two people, 18 months to put this report together. And the next stage would also be about six to eight months and probably it would greatly assist this body to make

14

decisions in the future. What we're trying to do is provide you with information that you can make a rationale decision on spending \$40 million.

LEG. BISHOP:

Right. So the County Executive's position is that you are ready to support a commitment to a \$40 million jail expansion when, in fact, you have indicated that the JSAT process was not completed; you feel that there's the necessary information out there to support that.

MR. MICHAELS:

We feel that we would like to go forward with a study to do additional --

LEG. BISHOP:

If you want to do the additional research then why are you committing to the jail without all the answers?

MR. MICHAELS:

Because everything takes time.

LEG. BISHOP:

I agree, everything takes time which is all the more reason why it's confounding, upsetting, poor management that we didn't do the study and complete the process in 1999 when we should have. So that's why I don't feel you can move forward. I'm reading the JSAT -- you have the JSAT Study there, if you go to Section 6, Conclusions and Recommendations, "I think it makes very clear the importance of continuing on the process before you commit to a new jail." That's a criminal justice expert commenting on a process that we have never completed. But also Fred Pollert from the Budget Review Office issued a memorandum on September 26th which, I don't know, does everybody have a copy of that memorandum from September 6th? I will ask Mr. Pollert to just quickly summarize it.

MR. POLLERT:

This is a memorandum that you had requested with respect to this project. The Budget Review Office participated in Legislator Caracappa's committee. Part of our firm recommendations are that

prior to starting a project to begin the construction of the jail, you really need to know both the number of cells that you need to construct as well as the type of jail that you're going to be going to construct. Years ago the County constructed or drafted plans to construct a maximum security jail in Riverhead, that was changed to a medium security jail. We literally lost hundreds of thousands of dollars because we could not salvage pilings that were put in, we had to redesign the plans. The County then, when the jail was completed, did not factor in the fact that they had to hire Correction Officers to staff the jail, so the pods then remained vacant for an extended period of time because proper planning had not taken place with the Operating Budget so that we did not have the capability to hire staff to actually staff up the jail. So planning in the past with respect to the construction of additional jails in Suffolk County has an abysmal record.

15

And part of our concerns are is that the process with respect to actually doing design plans not move to far ahead until there's some sort of firm type of decision, what type of jail cells will be constructed, how many and some sort of profiling of what the Sheriff's Department actually needs, because when you design something it becomes extremely expensive to start to change halfway through the design process.

LEG. BISHOP:

I just - I appreciate that. So we have gone down this process poorly in the past and you're urging us not to repeat the mistake again.

MR. POLLERT:

That's correct. What I'm concerned about is looking at the time line that was handed out by the Sheriff's Department. We were under the impression that the \$150,000 that was transferred from the Operating Budget to the Capital Program by Legislative resolution was actually transferred. We called up the IFMS file and it shows that there's \$150,000 for the planning study. However, according to the note on top of page two, the Treasurer's Office never made the cash transfer. So I don't know what happened to the cash. The appropriations were transferred --

LEG. BISHOP:

Right.

MR. POLLERT:

-- but I don't know, if you can even do an RFP at this point, in time what happened to the \$150,000.

LEG. BISHOP:

Okay. Can I ask the Sheriff's Office -- and I know this is a new

administration but, Mr. Otto, you're the seamless transition between the two administrations -- how many times -- if this is such a serious game of chicken and it's such an important crisis, how many times has it been communicated to the Executive Office that this RFP needed to be done in order to move the process forward?

CHIEF OTTO:

Okay. Well, I do have a package of information I can give you that has a time line that reflects all those dates and I've got supporting documentation. But for many of those questions, the new administration, the Under-Sheriff that represents corrections is Undersheriff Walter Denzler and he's to my left here, so we can ask him those questions. And I'll give those documents out.

UNDERSHERIFF DENZLER:

Good morning, everybody.

LEG. BISHOP:

Could you just answer that question?

UNDERSHERIFF DENZLER:

Well, let me -- I can answer the question insofar as this current administration is concerned, and it's part and parcel. When Sheriff Tisch first appeared before this body, he presented an argument that

16

there was a problem in terms of capacity at the jail; he has been consistent in that since we've been there. Sheriff Tisch's position right now is an RFP that was developed three years ago no longer has any relevance to today. What everybody seems to be missing here --

LEG. BISHOP:

Wait.

UNDERSHERIFF DENZLER:

I'm answering your question.

LEG. BISHOP:

No, you're not answering my question. You're making a speech that you have prepared, I see it.

UNDERSHERIFF DENZLER:

If you wait for me to complete the answer --

LEG. BISHOP:

I asked a specific question.

UNDERSHERIFF DENZLER:

-- and if you don't like the answer then I will readdress it.

LEG. BISHOP:

I don't like the answer because it's not answering my question. What I'm questioning is if there is such a sense of urgency to this issue, where is the communications that went back and forth between the Sheriff and the Executive Branch saying we've got to move forward, we've got to move forward? This administration's position is that it's no longer relevant to go through that process; is that the answer, that it's no longer relevant to go through --

UNDERSHERIFF DENZLER:

Perhaps you would like to give the answer and then I'll agree or disagree with it.

LEG. BISHOP:

Okay, I just did that. Is that the position of the administration?

UNDERSHERIFF DENZLER:

I will let Chief-of-Staff Otto give you the specifics relative to what happened in the past. The urgency is now; when you want to address now then I will come back.

CHIEF OTTO:

Okay. Legislator Bishop, I just gave you some documents there, you have a time line?

LEG. BISHOP:

Right.

CHIEF OTTO:

Okay. If you'd take a look at that time line, okay, you can actually count out the number of communications that went back and forth from either the Sheriff's Office, the County Executive's Office or the

Sheriff's Office and the County Attorney's Office. We also enlisted the assistance of Legislator Caracappa who contacted the County Attorney's Office and Legislator Caracciolo. And those documents, those written documents are part of that package I gave you, every piece of communication, every letter, everything.

LEG. BISHOP:

Okay. So that puts it back to you, Mr. Michaels. All those communications, why didn't this move forward?

MR. MICHAELS:

To be perfectly honest with you, at this point in time I don't know. The -- my function with this was with the JSAT Report. We went forward with the JSAT study and it was running parallel to whatever

else was going on. I truthfully don't know.

LEG. BISHOP:

Mr. Grier, do you know the answer? Was it a policy decision or just, you know, poor execution?

MR. GRIER:

Not as far as my office is concerned, it's not on our part. We had sent the letter back to the Sheriff's office. I was not going to sign-off on something a prior attorney had reviewed since I was asked to put my name on it. I wanted to know the information so that I was sure that the RFP that was going out did everything we wanted it to do. I sent my letter to the Sheriff's Office, it was not meant to criticize the RFP, it was meant to obtain information so that I could understand what was going on; I never got anything back. At the time I sent it, I was --

LEG. BISHOP:

Where is that in the time line?

MR. GRIER:

That is March of 2000.

CHIEF OTTO:

Second page, March 9th.

LEG. BISHOP:

March 9th. And then --

MR. GRIER:

And at that point forward --

LEG. BISHOP:

June 14th was the next correspondence back from the Sheriff's Office?

CHIEF OTTO:

June 14th followed by August and etcetera.

LEG. BISHOP:

What happened as a result of those correspondence?

MR. GRIER:

I'm not -- nothing had been given to me or -- and I had not been given any direction. I'm not even sure the County Attorney was aware of those communications; that I can't answer since I was never made aware of them.

LEG. BISHOP:

So they made the mistake of sending it to the boss, is that the bottom line?

MR. GRIER:

I'm not sure. I'm not sure what happened at that point, I really can't say. All I know is that I had gotten nothing back because I had sent my comments directly to Chief Otto and I was expecting a response back either from himself or from the Sheriff directly or another staff member giving me the answers so that I could make sure that the RFP did what we wanted. I was prepared at the time to move forward with it, however not getting any information back I could not -- you know, doing my due diligence and making sure that the County has put out a proper RFP, move forward at that point.

MR. GRIER:

But you never saw those correspondence that --

MR. GRIER:

Correct.

LEG. BISHOP:

The June and the August correspondence.

CHIEF OTTO:

If you look on the March 9th, 2000 entry, that's when we received the direct RFP back with the criticism. The next day, okay, March 10th a letter arrived in my office from the County Attorney's Office asking if we had any other comments from members of the RFP, okay. Four or five days later I advised the County Attorney's Office in writing, the letters are in there, I advised them of all the comments that anybody made on the committee, you know, to be incorporated into the RFP. Then the June date, the Sheriff, so there was communication going back and forth. And I didn't list all the phone calls but I have a phone call log where after I received the draft RFP back from the County Attorney's Office the second time, okay, I told them that we were extremely upset with this and that the Sheriff was going to contact the County Executive's Office.

LEG. BISHOP:

Which you did in writing, did you not?

CHIEF OTTO:

We did.

MR. IARIA:

Can I just make a comment?

LEG. BISHOP:

Sure.

MR. IARIA:

I think what's forgotten here is that the committee had Marty Cirincione come down from State Division of Probation and spell out the JSAT Program.

LEG. CARACAPPA:

Yes, he did.

MR. IARIA:

And the JSAT Program to that committee, the question was raised to the committee did they want to pay for an RFP or did they want the State to pay for an RFP. So at that point --

LEG. CARACAPPA:

That's not true.

MR. IARIA:

-- there was a change in Chairmanship of the committee for whatever reason and the JSAT Program was instituted. The Sheriff sent a letter saying he would cooperate with the program, a letter was sent from the Administrative Judge that she would work with the program, the Probation Department sent a letter, Legal Aid was in the process, so all -- the Legislature, so all of the players, the proper players to handle the decisions for what should be studied, what should -- what -- what would be the outcomes of the study were made. The study was done, it was produced and you all have copies of it, and then several recommendations were laid out.

LEG. BISHOP:

When was the study concluded?

MR. IARIA:

The study --

MR. MICHAELS:

May of 2001.

MR. IARIA:

Yeah, May, 2001.

LEG. BISHOP:

All right. And among the recommendations --

MR. IARIA:

Now, what happened -- there's another part of it. The people that were conducting the study for the State, one retired and the State said, "Well, we completed the first phase of this, we don't have money for the second phase, you know, so we're backing out of the study."

So at this point we're left with these recommendations and the next step needs to take place, in my opinion.

LEG. BISHOP:

I definitely agree. And just as the study itself points out, this document presents the results of a process study of the criminal justice system as opposed to outcome evaluation; "Reflected here are solely statistical representations, numbers and characteristics of

20

cases processed through the system and not measurements of the effectiveness of the system." Presumably, the next step is to study the system, where the system is succeeding, where it is failing, how we can improve it and then we would have a better understanding of our needs in terms of additional jail or renovation of the existing facilities. That's a rationale process. Somewhere, somehow we have gone away from a rationale process. And I think, Mr. Denzler, this is where you were saying it's no longer relevant to go through that process, from your perspective.

UNDERSHERIFF DENZLER:

No, I'm not saying it's not relevant as far as the process. And let me first apologize for perhaps sounding curt before. It's extremely frustrating for us right now because there's two separate issues. One is what happened to this RFP way back when, between then and now, and maybe that should be the subject of some Legislative inquiry as to why didn't something happen that was supposed to happen.

LEG. BISHOP:

That's what we're doing here.

UNDERSHERIFF DENZLER:

But the more immediate problem is the advancement of these planning monies. The part of this puzzle that's being left out right now is the communications that we have received from the State Commission of Corrections. This is very serious. We don't want to see Suffolk County being put on the same list as several other counties in New York State in the last couple of years where the commission has come in, shut down their facilities and required them to build new facilities, and we have had Legislative bodies in other counties who have argued they're not going to do it and they have found that they had to do it. The problem is if we lose any of the variances that we have now, and right now the population as we speak in the Suffolk County facilities is approaching 1,600; if we've got to start sending people outside because we're in violation it's going to be very expensive. We're not talking today about \$40 million, all that is being talked about now is the advancement of some planning money.

LEG. BISHOP:

More than a million. And if you plan for something, if you spend a million dollars to plan for something you're not going to change the final product because then you've wasted the million dollars of planning money, you know, Robert Moses taught us that.

UNDERSHERIFF DENZLER:

Again, all I can say is the commission has directed us that --

LEG. BISHOP:

Let me ask you something.

UNDERSHERIFF DENZLER:

-- within the next six months we have to inform them very specifically as to what is Suffolk County's plans to house at least an additional 600 inmates.

21

LEG. BISHOP:

What was the cost to go -- what was the emergency cost to send --

UNDERSHERIFF DENZLER:

Well, here's the -- it's easy arithmetic. We have been able to contract with Oneida County.

LEG. BISHOP:

And how much are we --

UNDERSHERIFF DENZLER:

\$85 per day per inmate.

LEG. BISHOP:

Wow.

UNDERSHERIFF DENZLER:

That's very, very cheap, extremely cheap relatively speaking. Now, if you look at just the variances that we have totaling 400 inmates, do your arithmetic; 400 times 85 times 365, substantial dollars there.

LEG. BISHOP:

Let me ask you an arithmetic question, because I read the JSAT study and in the JSAT Study it says that it costs \$113 a day in Suffolk County to house somebody. So what's 113 minus 85; would that be the net savings to the County per prisoner following that logic?

UNDERSHERIFF DENZLER:

No, no, that's the inmate -- because you don't have --

LEG. BISHOP:

I'm not advocating that as a policy.

UNDERSHERIFF DENZLER:

No, I know that.

LEG. BISHOP:

But it's waived in front of us there's a fiscal emergency --

UNDERSHERIFF DENZLER:

But here's what happens. You've got many, as you are probably well aware, fixed costs that when you send out X number of inmates, if we were to send out these 400 inmates, it's still going to cost us today to operate the facilities that it's costing right now with them. Now, you've got transportation costs, you've got disruption to the court system when people are not back in time, you've got disruption to the families of those people who are not going to be able to visit them unless if they want to take a bus ride up to Syracuse.

LEG. BISHOP:

Do you think that it's likely, from your dealings with the State, that the State would remove a variance while we engaged in a process that the State recommended that we engage in?

UNDERSHERIFF DENZLER:

Here's what you have to remember.

22

LEG. BISHOP:

And if they did, wouldn't the burden then -- wouldn't the shame then fall on those of you who are responsible for this three year delay in the process?

UNDERSHERIFF DENZLER:

The variances -- do I think the State is going to remove them? Absolutely yes, and the reason is the variances have been in place far too long. They have been saying, "Suffolk County, what are you planning on doing? What are you planning on doing? What are you planning on doing? Now they have said, "Okay, we just extended your variances, six months only, tell us within that six months what your definitive plan is otherwise they're going to pull them.

LEG. BISHOP:

So the State recommends a process, the Executive Branch and the Sheriff can't get their act together for three years to engage in the process and then the State's going to remove the variance because they demand that we move forward without the right information.

UNDERSHERIFF DENZLER:

I believe that's --

LEG. BISHOP:

That's a remarkable construct which I don't think --

UNDERSHERIFF DENZLER:

I believe that's a very unfair statement to make.

LEG. BISHOP:

Well, where, where is the interference?

UNDERSHERIFF DENZLER:

Let me tell you why I think that's unfair. And I'm not here to defend the prior administration of the Sheriff's Office by any stretch of the imagination, but the prior administration has come to the Legislature on many times requesting a new facility, requesting, requesting, requesting, providing information, providing information. Now, it appears that the prior administration with the Legislature came to an agreement to build something new, that was reached. So whether the RFP happened or didn't happen, subsequent to the start of the RFP proposal you approved the capital project.

LEG. BISHOP:

We approved -- first of all, as to the prior administration defending itself, Chief Otto has provided a very good defense because he's laid out a time line in which he on several occasions demonstrates that the Sheriff's Department indicated to the Executive that this was a priority and it was being held up in the Executive Office.

UNDERSHERIFF DENZLER:

But the statement you just made was that the prior Sheriff's administration wasn't, you know --

LEG. BISHOP:

I'm saying that whatever happened between the Sheriff -- well, because

23

the Executive blames the Sheriff, so I'm not making a determination on who's at fault. You said they're not here to defend themselves, I'm saying that there are -- there is a defense on the record now. The bottom line point, however, is that the Legislature adopted a policy, we are the policy making board.

UNDERSHERIFF DENZLER:

Absolutely.

LEG. BISHOP:

And the policy was we are going to go through a process, a rationale process. We allocated money, appropriated money, it was in the hands of the Executive Branch, it was never spent, therefore, the process never occurred. Now a decision has been made that we're going to

forget that process, forget the policy that was enacted and go straight to go to \$40 million. I will not be part of that. I don't think that the Suffolk County taxpayers are served by a system which does not look at the whole issue, does not engage in analysis that asks where we're going to be in ten years, 20 years, and truncates the system simply to accommodate fears that I think are heightened by the inaction of the Executive Branch.

UNDERSHERIFF DENZLER:

On numerous occasions, as recently as within the last week or so, the Sheriff has suggested that this committee invite the State Commission of Corrections to come before you and explain things; as far as we know, that invitation has not yet been extended.

LEG. BISHOP:

Well, first we'd like to find out what happened to the policy that we adopted.

UNDERSHERIFF DENZLER:

Well, okay, meanwhile the clock is ticking and every day we talk six months is going by and at the end of six months, and perhaps prior based on the population, the Sheriff will do what he is obligated to do.

LEG. BISHOP:

Right.

LEG. LINDSAY:

I just want to say something. I don't know of this invitation by the Sheriff to us; are you aware of that, Madam Chair?

UNDERSHERIFF DENZLER:

Yes, you --

CHAIRPERSON CARPENTER:

I received a letter from the Sheriff suggesting that we invite the Commission of Corrections to come to the Public Safety Committee, that was within the last --

LEG. LINDSAY:

I was an unaware of the letter.

24

CHAIRPERSON CARPENTER:

Well, I --

LEG. LINDSAY:

And truthfully, we haven't seen the Sheriff.

UNDERSHERIFF DENZLER:

Well, I'm sorry, the Sheriff has been here several times. The Sheriff has been here several times.

LEG. LINDSAY:

I don't remember him coming before this committee of late, not on this issue.

CHAIRPERSON CARPENTER:

He has been to this committee. However, I have to tell you, I was surprised he wasn't here today. Legislator Caracappa. Legislator Bishop, are you done?

LEG. BISHOP:

Yes, for now.

CHAIRPERSON CARPENTER:

And I know I have others who want to ask some questions. Joe, is this a clarification point or --

LEG. CARACAPPA:

Yes, there are clarification points that need to be made with relation to what has gone on since I was made Chairman way back when of the jail Utilization Committee. Number one -- first and foremost, Chief Otto, you should be congratulated for the incredible work you've done. While everyone seemed to drop the ball you held on to it, barely, and you kept a grasp on it, and we as a Legislature, we appreciate someone paying attention to what was going on.

With relation to what Mr. Iaria said with JSAT and when Marty came down, he didn't really offer to do the whole process for free, what he offered was to do this report that we have before us now, this JSAT Report, to run in conjunction with what the County was going to do with relation to the RFP and the Jail Utilization Study. And it says right here in one of the recommendations, that Suffolk County should conduct an outcome study; in other words, the outcome study is what we're debating here today and what did not happen.

MR. IARIA:

Well --

LEG. CARACAPPA:

That was the understanding, I have it in the minutes from March 31st, 1999, when he came and spoke in the old conference room across the way and he said, "We'd be more than happy to work in conjunction with the County of Suffolk. You do your end, we'll do our end and we'll mix and compare notes when it's all said and done and this way the County at that point should be well on its way to creating a new facility that handles all of the things that we ask for, population trends."

MR. IARIA:

Yeah, the JSAT Study, though, the way they outlined it, there would be three phases right from the beginning and they were supposed to do these other two phases, they were supposed to help us do it. I mean, it's up to us to do it if they're -- you know, if they're out of it, that's the way I see it. Because when you look at a jail population, the Sheriff only deals with what he's got in front of him, he's at the end.

LEG. CARACAPPA:

Right, I agree.

MR. IARIA:

You have to have -- the basic decision to arrest somebody or issue an appearance ticket is a policy decision. The DA's prosecution and whether or not they want to use pretrial release mechanisms are part of a DA decision, the judge's decision of whether or not to issue bail or put somebody in for low bail is a court decision, all of these things impact on who's in front of the Sheriff.

LEG. CARACAPPA:

Right.

MR. IARIA:

And those things can change very rapidly by getting people to the table and taking a hard look at, you know, why we have people in for low bails, why we have people in for short periods of state or ripen a plea, why we have the mentally ill in the jail rather than in hospitalizations, why we don't have halfway -- the use of halfway houses. That hasn't -- you know, those hard discussions, you know, some of it's taken place but I think we need the players that make those policy decisions to sit down and talk about these things.

LEG. CARACAPPA:

Okay. My point was that --

MR. IARIA:

As part of building a jail.

LEG. CARACAPPA:

My point was that you had mentioned that the State had offered to do this for us for nothing and we didn't have to get involved, that really wasn't the case. Though they did their report, it was supposed to run concurrent with what we were going to do with the Jail Utilization RFP.

Secondarily, it was said by Legislator Lindsay that it was a consensus of this committee that we didn't need jail space; that may be some

people's view. The bottom line is we do need some beds, we do not some jail space and that is an absolute must. The fact remains is we need to reverse and go right back to where we were in 1999 and figure out what direction we need to go.

You mentioned Allan Croce, Corrections Commissioner; he was part of the committee and it was -- he was part of the committee for a reason, it was to show him and the State that the County of Suffolk with

26

relation to our correction problems, I believe we had 149% overcrowding problem at that point in time, he was part of that committee to show that we're doing what we have to do, we're taking all the preliminary steps to lead us to a decision with relation to what we're building and where we're building. So that was our preliminary efforts to keep the variances to continue until we had reached that point.

Allan should know that we as a Legislature want to continue that process, we've wanted to continue that process through this study but it's never happened. And for you, Mr. Denzler, to come before this Legislature time and time again and your counterpart, the other Under-Sheriff, basically pointing the finger at us saying, "The variances are going to end, the variances are going to end, you have to do something." We have been trying to do something for three to four years now but unfortunately it has not happened.

UNDERSHERIFF DENZLER:

Please, don't get the impression -- if the impression was given that anybody here from the Sheriff's Office is sitting and point the finger at people in the Legislature, that's not the intent, and if we gave that impression we apologize for it. The only thing that we're trying to do is make everybody aware of the communications that the Sheriff is receiving from regulatory agencies of New York State telling us what we have to do here in Suffolk County. Chairman Croce is only one of three Commissioners on the commission. I have attended some of the meetings of the commission in Albany. We see what they have been doing around the State, they have become much more vigorous going around the State to various counties and forcing on some of them. I mean, actually there have been some very nasty sessions at some of the other County Legislatures with the commission in terms of, "Well, we're not going to do this, you can't make us do this," and they in fact say, "Well, you don't think so? Watch us," and this is what happens.

I think part of what's frustrating to them, for whatever reason that it has taken as long as it has here in Suffolk County, they probably view that as well, you know, how long are we going to allow it to drag out? And I guess maybe they have come to the end of their rope. And

all that we in the Sheriff's office is trying to do is make everybody aware of what they're telling us and what the needs are. The Sheriff knows what -- he's obligated under regulation and laws to do certain things. So if a new jail doesn't get built, well, okay, so a new jail is not going to get built, we can only put X number of people in the facility that we have now and the only option that the Sheriff has when he goes beyond that is to start boarding people someplace else.

LEG. CARACAPPA:

We understand your back is to the wall, we understand that whole -- and it was you and it was Mahoney and everyone that's dealt with this problem has had their back to the wall and they have come to us saying, "We need this," and we said, "Well, we have to do X, Y and Z before we get to this." Can you imagine how frustrated we are --

UNDERSHERIFF DENZLER:
Absolutely.

27

LEG. CARACAPPA:

-- knowing that we had the Commissioner of Corrections here, that we started a process that was better and than any other county is doing throughout the State, that we were taking these innovative steps to meet our problems and to meet them sufficiently; and when I say sufficiently I mean that we were going to meet our problems for the next 20 years hopefully with relation to our corrections problem.

You also mentioned that the study that has not been done, that right now it's moot to you guys, that it really doesn't matter at this point in time based on your urgency.

UNDERSHERIFF DENZLER:
If the study is to determine whether or not additional beds are needed, that question's already been answered.

LEG. CARACAPPA:
Right. I said before, I think we --

UNDERSHERIFF DENZLER:
And it's a matter of I guess what the commission has identified. And these are professionals in effect that we get their input for free, we don't have to hire a consultant to tell us, they do it for free. Well, I shouldn't say -- it's taxpayer dollars that they get paid. But what they have identified is a minimum of 600 additional, that's what they've told us.

LEG. CARACAPPA:
Now --

UNDERSHERIFF DENZLER:

Maybe it needs to be a thousand, I don't know.

LEG. CARACAPPA:

Let me finish up my thoughts with relation to the study and the way the new administration feels. Do you feel that we need to do a study on population trends and bed space projections?

UNDERSHERIFF DENZLER:

For the future, sure.

LEG. CARACAPPA:

How about --

UNDERSHERIFF DENZLER:

One of the things when you consider --

LEG. CARACAPPA:

-- testing the programs and services which is a big thing in jails?

UNDERSHERIFF DENZLER:

One of the things that you need to consider, and I found it strange, some people have come to visit and they have said, "Gee, are you going to show, show us the new jail," and I looked and I said, "Oh, do you mean that facility that was built 14 years ago?" Time goes by very quickly. If you take into consideration -- and I don't accept this as

28

fact, but if you assume that when that facility was built the numbers that it gave to Suffolk County in terms of correctional beds was sufficient for the population of Suffolk County at that time. And if all you look at now is the change in Suffolk County's population from then to now and taking nothing else into account, you know you don't have enough beds.

LEG. CARACAPPA:

Well, you say time goes on.

UNDERSHERIFF DENZLER:

Yeah.

LEG. CARACAPPA:

It does quickly but times change quickly as well.

UNDERSHERIFF DENZLER:

Yes, yes.

LEG. CARACAPPA:

And that's why we need to as a policy decision body not only look at

jail space for inmates, creating a new jail for the over population, creating a new jail that is safe for those who are Correction Officers in that facility, but we also have to have to look at other policy issues relating to presentencing facilities, pretrial facilities, low bail --

UNDERSHERIFF DENZLER:

You're absolutely right. As a matter of fact, in trying to address --

LEG. CARACAPPA:

Alternatives to incarceration on every angle.

MS. MAHONEY:

Please speak one at a time.

UNDERSHERIFF DENZLER:

I'm sorry. Trying to address some of those things, since Sheriff Tisch has been there we have met with the judiciary in Suffolk County, we have explained the necessity of looking very closely at who is being sent to us relative to their bails, whether it's really necessary, can they lower bail, can they be released. We don't want anybody, you know, going out who shouldn't be, but we've met with them. We've met with the State parole people where we've got State people who say, "Work with us so that your people go out more quickly." I mean, everybody has been working with us and trying to keep those numbers down, but after all is said and done we've still got a problem.

LEG. CARACAPPA:

Two more points. I think how we solve the problem is continue the problem for which was abandoned and we have to do that process for it to be successful because I don't think a dime is going to be appropriated by this Legislature unless it's for a big plan such as what you need without a study being done, and the main question is where do we go from here with relation to the study. So I guess I

29

will ask the County Attorney or Joe Michaels, seeing that the last stop it seemed was on your end of the tracks.

MR. MICHAELS:

Knowing that I was coming here today and wanting to be able to answer that question, the author of the study, the two authors, Janet {Rothacker} and the other gentlemen, I checked to see where they were. And they are -- I asked them what would an additional study like this cost to do the next phase of it as was recommended and the recommendation was about \$75,000 to do the next phase of it.

LEG. CARACAPPA:

Not the JSAT Study.

MR. MICHAELS:
The JSAT Study.

LEG. CARACAPPA:
I'm talking about the Jail Authorization RFP.

MR. MICHAELS:
Well, that would assist in doing the jail utilization RFP but I'm sure that, you know, that would be something that would have to be discussed with the County Attorney's Office as to what they feel as to going forward with it. I put the ball back in their court.

LEG. CARACAPPA:
This back and forth stuff, that's where --

LEG. BISHOP:
That's where we lost it.

LEG. CARACAPPA:
Right. You know, we fumbled it for giving it back and forth. See, this is what I have, this is what was moving forward, this is what you were not happy with in the County Attorney's Office.

MR. GRIER:
Correct.

LEG. CARACAPPA:
This is what you made your long list of recommendations of changing; when are we going to see this fixed and back on the table?

MR. GRIER:
Just so you understand the process, RFP's are not created by my office. The procedure is all RFP's are drafted by the issuing department and they're reviewed by my office, reviewed by Purchasing and then they're ultimately sent out. Obviously this study requires input from a large number of agencies in order to be sufficiently comprehensive, that was one of the reasons why I asked the Sheriff's Office to provide me with comments from any other members of the RFP Committee.

At this point in time, it's my opinion that the concerns I have in my letter need to be addressed so that we can go forward because one of the comments I make in here is that that RFP does not sufficiently cover all the aspects required under the resolution in 1999, so those pieces need to be incorporated into the RFP. That's something that has to be done, we can't move forward until, my feeling is, the concerns that I have are answered. Some of the questions that I have

may simply be them educating me or whoever does this as to what the corrections field deals with, certain facts or circumstances that I'm not aware of. I was more than willing at the time to sit down and deal with those issues so I could understand what was going on, and maybe the language at that point would be clearer. But again, I -- no constructive responses were ever sent to me verbally or in writing. If we start with the existing draft we can go forward with this.

LEG. CARACAPPA:

We're back to the beginning, we know that.

CHAIRPERSON CARPENTER:

All right. Gentlemen, I'm going to --

MR. GRIER:

You have to start from there.

CHAIRPERSON CARPENTER:

I'm going to interrupt because there are other members of this committee who want to have an opportunity to speak. But I'm going to say, looking at this -- excuse me, it's eleven o'clock.

LEG. CARACAPPA:

Madam Chair, I've sat in committee meetings for hours on end where committee members have spoken. My reputation is to ask very quick questions; in this instance I have a few extra questions and I'm getting cut off? It's unbelievable.

CHAIRPERSON CARPENTER:

Do you mind deferring and allowing others who have not had an opportunity to ask any questions yet? We will come back to you. I am not cutting anyone off.

LEG. CARACAPPA:

No, I'm done. My last --

CHAIRPERSON CARPENTER:

I think you know that.

LEG. CARACAPPA:

-- recommendation would be to ask you, as Chairwoman of the Public Safety Committee, to get into contact with the Presiding Officer and ask him to reconvene the special committee -- the Special Needs Assessment Committee for the jail.

CHAIRPERSON CARPENTER:

Thank you. I would like to just say one thing before I go to the next person who has asked to speak. Mr. Grier, you said that you had not heard anything back. However, in the chronological events that we

have here, on March 16th you received a response from the Sheriff's Department that there were comments and recommendations made by someone. So from March 6th of 2000 to today there was no communication? I mean, it seems to me if you're really wanting to move forward that you pick up the phone and you try to have some sort of communication. You don't just say, "Oh, I sent the thing, I didn't hear back," and then you go on your merry way thinking you're never going to address it again. I don't think that's the way for us to operate here in Suffolk County, I don't think it's the way I've known us to operate here in Suffolk County and I think we're all in this together. And pointing fingers and wanting to know whose responsibility it was and where is it and all of this, we're wasting time. We've spent almost an hour-and-a-half here this morning. I just feel very strongly that you need to move forward with this RFP. You had some questions? Get together with them and get them answered, but you need to move forward with the process because everyone agrees, whether you agree with how many or where, that we need more beds here in Suffolk County and we need to do it quickly.

MR. GRIER:
Legislator Carpenter --

CHAIRPERSON CARPENTER:
Legislator Nowick.

LEG. NOWICK:
Sitting here listening, and I'm in agreement with Legislator Lindsay, let's cut to the quick. I'm looking here in 19 -- first of all, in 1999 and RFP was requested, it's the year 2002, I understand we're nowhere. I see we did a report, the Justice System Assistance Team did a report, we're still not anywhere. It is my understanding -- and by the way, I did take a tour of the jail and I did see beds set up in gymnasiums where there's only one Correction Officer and 30 beds on each side. And I am not an expert and I'm certainly not going to be able to charge a consulting fee, but to me it looks like 20 beds on one side and 20 beds on the other with one Correction Officer on each part; it might be overcrowded.

Would it not behoove us to ask the State Commission of Corrections to address this Legislative committee only because it would at least show them that we are taking steps in the right direction and we do not -- maybe it would slow them down from pulling our variance. Would they be -- would they be an expert for us or do we still have to have an RFP? In other words, if they appeared in front of us and said, "We are the bottom line, we are the State Commission on Corrections, we demand;" that's not -- we still have to have the RFP, am I right?

MR. GRIER:

Well, the legislation directs that an RFP goes forward. The State Commission of Corrections, whether they come in and say we need extra space, that becomes one part of the overall problem at the jail.

LEG. NOWICK:

I mean, I don't know, maybe you have to do the RFP. You probably do and I don't know that, but --

32

MR. GRIER:

There's more to the issue out at the jail, and I'm sure everybody here would agree, than just the bed space, there are other things that have changed than the inmate population and looking at other alternatives to incarceration that need to be addressed so we have a facility in the future that addresses everything and will be a facility we can use long-term --

LEG. NOWICK:

So that would be part of the RFP.

MR. GRIER:

Correct, that's what the RFP was looking forward to provide any answers to so that we could provide a facility that did, in fact, accommodate all of the different pieces that needed to be addressed. So that's what we were looking forward to going forward to doing.

However, in response to Legislator Carpenter, chief Otto indicated we did have conversations on the phone; that is correct, we did have conversations. But again, no -- at that point, we needed to get some input. We can go forward with the RFP as it is and the comments, it's a matter of just getting answers and sitting down with one another to --

CHAIRPERSON CARPENTER:

Okay. So if you sit down tomorrow, okay, with the appropriate parties, how long is it going to take to get the RFP out?

MR. GRIER:

I can't answer that question. The Sheriff's Department is the one who ultimately drafts it because --

CHAIRPERSON CARPENTER:

Well, I see Purchasing is here, Jean DeNunzio. Jean, why don't you come forward, maybe you can answer that question.

CHIEF OTTO:

Legislator Carpenter, there is one problem we have to discuss. This RFP that we wrote, that the Sheriff's Office wrote, okay, is three years old, okay. This cannot go forward right now the way it is.

CHAIRPERSON CARPENTER:

No, that's why I'm saying that if you guys sit down and hammer out all of the questions, concerns, you know, make it a priority and you can come together and agree of what you want in an RFP and then we hand it over to Purchasing, how long is it going to take; Jean?

MS. DENUNZIO:

Well, in a situation like this we usually have bidders conferences and questions and answers back and forth, so it's usually a good, I would say, two to three months.

CHAIRPERSON CARPENTER:

Well, I would say that two to three months sounds longer than I would like, but looking at the two to three years, if not more, that we've dealt with, two to three months sounds like a very fast time line. So

33

we are in -- we're just beginning October, October, November, so by January 1st we could be ready to go if you guys could sit down and realistically approach this, earnestly approach this and get that RFP together.

CHIEF OTTO:

You also have to address your finance problem. The \$150,000 that was originally cited for this is gone.

CHAIRPERSON CARPENTER:

Trust me, Chief Otto, that's the least of the problems. Legislator Nowick, are you finished?

LEG. NOWICK:

No, yes.

CHAIRPERSON CARPENTER:

Legislator Postal.

LEG. POSTAL:

This is an embarrassment. I mean, I'm listening to this and it's like watching the gang who couldn't shoot straight running this County; this is unbelievable. This Legislature acknowledged that there was a problem and the problem needed to be addressed and established a Needs Assessment Committee. The Needs Assessment Committee came back and made recommendations and then from there everybody's pointing at everybody else. You know, I was a teacher, I used to see this in the second grade; when children did something wrong, nobody wanted to acknowledge that he or she was the one who dropped the ball and, you know, that famous line, "It wasn't my fault"; that's what I just heard here. For years it's been nobody's fault.

Now, the State kept telling us, warning us that we're in danger and they're giving us variances but, you know, this is not going to go on forever and they kept warning us. Now, we kept getting those warnings, the Sheriff's Department kept communicating that we were getting warnings, we're in big trouble, but nobody paid any attention. I don't understand, who is it -- so maybe somebody can answer this question; who is it in County government who makes sure that a process goes forward? Who is it that has the {ticklafil} that I'll bet you we each have in our offices and I'll bet you we each have somebody in our offices who checks that {ticklafil} to make sure that somebody followed up on whatever it was that was supposed to be done; who is it in County government that's supposed to do that? I mean, the Sheriff Office expressed its problem. The County Attorney had some communication back and forth about what constituted or should constitute or be included in an RFP. We got a report from the State that made certain recommendations and Joe Michaels acknowledges that the recommendations are worthy recommendations and we really need to have answers, we really need to follow some of these recommendations, but nothing happened. In spite of everything we've all been listening to here, nothing happened.

And \$150,000, while it's the smallest part of the problem, is a symptom of the fact that there is a very serious problem. Because if we could lose \$150,000, I'm scared of what would happen with \$40

34

million. And if anybody thinks that going ahead with the planning steps, I agree with Legislator Bishop a hundred percent, if anybody thinks that we're going to appropriate a large amount of money and then we're going to say, "No, we won't move ahead with the construction," then you haven't looked at what's happened in this County in the past because as soon as we take that first step we're committed.

Now, I think that I'm not ready to spend money on a guess, and that's what this is. Because I know that every time we've constructed new jail space we have not looked at what our needs are and how we're going to actually resolve the problem, and this is a nationwide problem. I'll bet that Vinny will tell us that certainly all over New York State, if not all over the country, there are new jails being constructed that just never meet the need. And what Vinny said I think is really vital to how we should be planning, there are many different possibilities for how we can address this problem rather than just doing additional construction. And before we go forward with this, we had better use our brains to try to figure out what the best solution to this problem is because otherwise I guarantee -- I won't be here, but I guarantee that people who are sitting here in this Legislature over the next few years are going to be sitting here when the Sheriff

comes to the Legislature to say, "We're overcrowded and the State is warning us and we better build new jail cells," because we will never have looked at how to truly address the problem.

You know, it scares me because this is so much like a construction project that doesn't have a Clerk-of-the-Works, so nobody is looking at the whole project, nobody is seeing when the -- and Bill Lindsay understands this problem better than I do, but nobody is there to see when it makes sense to have the electricians to come in and when it makes sense to have the masons come in and when it makes sense to have the plumbers and the roofers and everybody else come in so that the job is done properly and you don't waste time and you don't waste money. This is frightening. I don't care what happened, I don't care who was at fault. In my opinion, we have got to stop right now and if we invite the State down, sure they're going to tell us we need to build, they're going to tell us that we need new jails before they extend this variance any further, but that's their responsibility. Their responsibility is to make sure that we're in compliance with their regulations regarding housing of inmates. It's like the bond rating agencies; they don't care what we do to raise the money, they just want to know we raise the money so they warn us that we're on credit watch. Now, they would be delighted if we went out and raised taxes, property taxes 50%, that would resolve their problem, just like the State will be delighted if we build a jail twice the size of what we're proposing here, they'll be very happy. But it doesn't properly resolve problem and it certainly doesn't recognize our obligation to the people of this County.

We're in a terrible financial situation. Before we go ahead with an expenditure of this magnitude, my God, if we can't find \$150,000 that we appropriated, this is really scary. And so we better stop right now. And maybe Joe was right, maybe we need to reestablish that Needs Assessment Committee, but we certainly need to take a look at some of the recommendations of a study that we're all reading. Why read this

35

study if we're not going to listen to what they're telling us to do before we go ahead and do major construction.

UNDERSHERIFF DENZLER:

If I may. I mean, I'm the newest kid on the block here. But in all fairness to all of the agencies in Suffolk County, the Legislature and all the various departments, it's not totally fair to say that nothing was done because back in November of 2001 you adopted a Capital Program that included a new 280 bed facility. So it's not that absolutely nothing was done. You know, it might very well be that when that happened that everybody figured, well, that took care of that RFP and everything; I don't know. But, I mean, you know, it's --

LEG. POSTAL:

That was our fault, now we know.

UNDERSHERIFF DENZLER:

Well, but I'm just saying. I mean, everybody, you were aware, you were looking at it and then a Capital Project was adopted which included a -- this 280 bed renovation.

LEG. BISHOP:

You're talking about subsequent year one.

CHAIRPERSON CARPENTER:

Yes, I believe that's what he's talking about. That we did include it in the Capital Program because it did show that we acknowledged the need that we need new beds and, you know, certainly I would assume that the Commission of Corrections recognized that and that's why we got the additional waivers. Legislator Lindsay, did you have a question?

LEG. LINDSAY:

Just a comment and some questions. I was just looking through this file and one of the most ominous things I see in this file is the minutes from the meeting on March 2nd, 1999, that Legislator Caracappa chaired; I'm talking about the Special Needs Assessment Committee. And the last thing Chairman Caracappa says, "Well, I assume you'll start the process today," and what he's talking about is this RFP. And the only words that Mr. Croce said in the whole meeting was, "We hope so. Fine." That --

LEG. CARACAPPA:

That's just excerpts.

LEG. LINDSAY:

Okay, but it's -- I find that to be an ominous statement. I still think that we're playing with fire here, gentlemen. The question I had, is there anybody at the table that disagrees that we don't need to go forward with this RFP to study what our needs assessment are -- is in this whole area?

MR. IARIA:

It depends on what the study is. If you're talking about utilizing jail beds based on past history without looking at making policy decisions on who should be in the jail, I think that's a mistake.

National Institute of Corrections has a manual for decision makers like you of how to proceed with jail building projects, and I think it behooves you to take a look at that.

LEG. LINDSAY:

Okay. What I'm talking about is the three recommendations at the end of this report.

MR. IARIA:

The JSAT Report, that's -- there's two things going, there's an RFP about utilization of jail beds and then there's this JSAT Report, they're two different animals.

LEG. BISHOP:

Season two --

LEG. LINDSAY:

It kind of looks one --

CHAIRPERSON CARPENTER:

Legislator Bishop, I think Legislator Lindsay still has the floor.

LEG. BISHOP:

No, I was agreeing with --

LEG. LINDSAY:

I mean, when you start talking about policy, wouldn't that determine how many jail beds you'll need?

MR. IARIA:

If you talk about --

LEG. LINDSAY:

When it talks about that Suffolk County should perform population projections to determine the extent in which the funding will apply to the system in the future, isn't that what we're talking about, doesn't one blend into the other?

MR. IARIA:

You're looking at the JSAT Report.

LEG. LINDSAY:

Right.

MR. IARIA:

Yeah, I say you need to do the JSAT Report in conjunction with any utilization that you do, because you have to see -- you have to get policy makers to sit down to see if they're willing to change some of the policies that they have now that may be driving the jail population. The sheriff can't do that alone.

LEG. LINDSAY:

But isn't that what we're talking about the RFP represents?

MR. IARIA:

No, the RFP for -- well --

37

LEG. LINDSAY:

To answer these questions?

MR. IARIA:

This is something that the sheriff should be asking, but my understanding of the jail utilization review is they're looking at the current system and deciding how many beds they're going to need based upon the pressures they're getting from, you know, the State and from, you know, the local population that's in the jail.

CHIEF OTTO:

In the RFP which was completed, there's a section in there for alternative sentencing, there's a sentence there about demographics, everything's in there.

LEG. BISHOP:

Right, so the --

MR. IARIA:

Okay, so that would handle it then, that's a good --

LEG. BISHOP:

That's how I would --

CHAIRPERSON CARPENTER:

That's encouraging.

LEG. LINDSAY:

Yeah, at least we know what we're talking about anyway.

CHAIRPERSON CARPENTER:

Legislator Bishop, did you have another question?

LEG. BISHOP:

I just want to make a statement but I don't have any more questions.

CHAIRPERSON CARPENTER:

Okay. It seems to me --

LEG. LINDSAY:

Could I just finish? I have one other thing.

CHAIRPERSON CARPENTER:

I'm so sorry. Go ahead.

LEG. LINDSAY:

Maybe the Sheriff's Department or anybody at the table could answer this; do we agree that the RFP has to go forward before we establish the planning steps for a new facility, or can they be done simultaneously? I mean, I go back to Mr. Pollert's comment about how do we know how many beds to plan for and what type of jail and where until we complete the process? Can they be done simultaneously, anybody?

MR. MICHAELS:

In actuality, you have to look at it from if you have a changing

38

dynamic in the law that's going to increase the population but a certain type of population. For example, the mentally ill in the criminal justice system in our jail may require more intensive supervision, that would require a different configuration of the jail. The fact that there are -- that this is a factor that has been developing since the 1970's, 1960's and 1970's with the deinstitutionalization of the mentally ill, they have found themselves in our jail population. Our jail population has gone up substantially when we close down all of the institutions that house the mentally ill. They pose -- I am sure that the Sheriff will agree with me, they have posed an increasing demand on the way the jail is run, the way the jail is configured, the way the cells are configured. They need more one to one supervision. This is an issue that would be crucial in the development of a plan for a new jail. The Rockefeller laws where mandated sentencing has put many, many drug addicted individuals in State facilities that now will be coming back to us, that's going to increase our population. It may -- you know, the numbers are something that really has to be as scientifically as possible, if you can say that, pinned down as to how many cells we would need.

LEG. LINDSAY:

Will those answers -- will they be answered by this RFP we've been talking about for the last hour?

MR. MICHAELS:

If that has -- if what you just said is in the RFP then that would be something that would answer those questions.

LEG. LINDSAY:

So you're saying that planning for a new jail and the RFP can't be done simultaneously, one has to be done before the other.

MR. MICHAELS:

Well, it has to be part of the planning, I mean, it simply has to be part of the planning. There also has to be other considerations built into it.

LEG. LINDSAY:

Does everybody agree with that?

MR. MICHAELS:

But there's a first step with everything.

LEG. LINDSAY:

I know that. Does the Sheriff's Department agree with that?

UNDERSHERIFF DENZLER:

Well, you've got two issues. There are real known immediate needs, then there are your long-term, your future needs. We know that right now the jail is not big enough, as the commission tells us, by 600 beds.

LEG. LINDSAY:

Okay.

39

UNDERSHERIFF DENZLER:

So that's an immediate need. Now, in terms of long-range needs, I mean, I think the commission, what it would satisfy them -- and you know what may have sparked this additional interest on their part in terms of Suffolk County is the fact that that Capital Project which was approved, the 280, seemed to have stalled a little bit and they wanted to know what happened with that.

Now, in terms of addressing immediate needs, I mean, you can do mirror image type things. You could proceed with planning on the planning stage of the 280 bed facility with an indication to the commission that the intention is to then replicate that; that gives you almost your 600 beds that they're looking for. But in terms of the real long-term future need -- and it's it been said by some of the Legislators here and some other people here, one of the things in the history of Suffolk County, and I'm talking about long-term going way, way back, when you look at it, every time a new jail has been suggested for Suffolk County there was always a problem, it was always overcrowded and when they did it they really didn't do it with sufficient planning long-term into the future that it really sufficed for the long-term need. But there is an immediate need and what we're saying is we can't address the immediate need right now with the project that you currently have approved by at least starting the planning of that and then you've got to continue for the more long-term need that's --

LEG. LINDSAY:

I have a suggestion, Madam Chairwoman, and it's to the County Executive's Office. That they take this resolution back and modify it

and they combine the RFP with a time line of when it has to be done with specific deadlines post-haste and include that with the planning steps and bring it back to us.

CHAIRPERSON CARPENTER:

I don't know if I necessarily agree with that approach; I don't mean approach, but combining the resolutions. I would think that if we could get a commitment and a demonstration that there was a willingness on the part of everyone involved and I say the County Executive's office, and I would assume that they have agreed that there is an urgency towards addressing the needs for more beds because they have come forward, this is their resolution, to move the planning from 2004 to 2002, so they obviously see the need to move forward with this. The Sheriff's Department certainly sees --

LEG. BISHOP:

The Executive sees the need?

CHAIRPERSON CARPENTER:

Yeah.

LEG. BISHOP:

We're --

LEG. CARACAPPA:

They sponsored the resolution.

40

CHAIRPERSON CARPENTER:

They sponsored the resolution for the additional beds, I mean, for moving it from 2004 to 2002, the planning, so they obviously say yes, we agree, we want to help move the process along. So if that's the case and the Sheriff's Department certainly wants to do it, I think all of you, all the players have got to seriously sit down and meet because it's obvious from the discussion that you've heard here this morning, even though some of us might be willing to move forward with it, there's not going to be a majority of people willing to move forward with a resolution to appropriate the planning money. So you're going to have to come back to us at the next committee meeting and I'm hopeful that we will hear that you've got that completed RFP ready to go to Purchasing. And I would think if we could -- if we could see that kind of demonstration, that kind of commitment on the part of everyone involved, that there might then be a likelihood that we would have the necessary votes to move the resolution along to speed up the planning process for the expansion of the jail. Are there any other --

LEG. BISHOP:

Are you making a motion to table?

CHAIRPERSON CARPENTER:

Well, I'm not making a motion now, we're not at the agenda.

LEG. BISHOP:

Can we take it out of order so we can get rid of it?

CHAIRPERSON CARPENTER:

So that you can make a speech?

LEG. BISHOP:

Yes.

CHAIRPERSON CARPENTER:

Oh, okay.

LEG. BISHOP:

Rather than pretend I'm asking a question.

CHAIRPERSON CARPENTER:

Thank you for being honest. As long as no other committee members have speeches -- or questions, I'm sorry, I wasn't being flip, that was really a mistake. If there are no other questions, then I will entertain a motion to take 1972 out of order by Legislator Bishop. Legislator Bishop.

LEG. BISHOP:

What's the motion that's before us?

CHAIRPERSON CARPENTER:

Well, we're taking it out of order. We have a motion and a second to take the resolution out of order.

41

1972-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Jail/New Replacement Facility at Yaphank (CP 3008) (County Executive).

Now I will entertain a motion on the resolution. And I will make a motion to table this resolution to -- Counsel, if you could give me the date of that meeting.

MR. SABATINO:

It's going to be the budget deliberations of the Public Safety Committee meeting which would be the week of the 27th. It's either the 27th or the 28th, I can't remember which day, but if you just make it to that week it will be okay.

MR. IARIA:

The meeting is the 25th, right; is that which one you're --

CHAIRPERSON CARPENTER:

Oh, yes, the Public Safety Committee hearing but that might be changed because some others have been changed, so I may be looking to move that to Wednesday if that slot is available. So the week of the 27th or 20, whatever it is, okay?

MR. SABATINO:

Last week of October.

CHAIRPERSON CARPENTER:

Last week of October, all right, I will make that motion. Is there a second?

LEG. CARACAPPA:

Second by Legislator Caracappa. All those in favor?

LEG. BISHOP:

Well, on the motion.

CHAIRPERSON CARPENTER:

On the motion, Legislator Bishop; almost.

LEG. BISHOP:

Thank you, I appreciate that. Just a number of points I want to make. The first is that I support the tabling and I support the direction that the Chair and Legislator Lindsay are now guiding us towards because I think it's imperative that this County put the cart before the horse and what this, to me, this resolution was about was --

CHAIRPERSON CARPENTER:

Horse before the cart.

LEG. BISHOP:

Put the horse before the cart, right; it's not imperative that we put the cart before the horse because that's what we do. Thank you for that correction. It's imperative that we put the horse before the cart, unfortunately I thought that this resolution put the cart before the horse and that would have done a grave disservice to the taxpayers.

The first point is that what has not been spoken about in depth but I think is worth noting is that this resolution is contemptuous towards our Capital Budget process. And I believe that when we engage in the Capital Budget process it's supposed to be meaningful and I approach it as meaningful exercise in government policy making. And I assume that I have a partner in that with the Executive Branch, but when they

come back three months later and say, "Oh, by the way that Capital Budget that we all adopted and was signed into law and is the planning document for the County, forget that, we're going to adjust it by \$40 million which is a massive amount immediately," suggests that they don't take it too seriously or that this slipped by, that's one of the questions I have.

The second point is that Legislator Nowick says that it's important that we demonstrate to the State that we're earnest in this process. It is the State that recommends a process where you are panoptic, where you look at the entire system before you act. So for the State to punish us for engaging in the process that they recommended would be a grave disservice to the taxpayers again.

Three. One of the most remarkable things I heard today was what Mr. Grier told us which is that he never received those correspondence that the Sheriff sent to the County Executive. Did the Sheriff write the wrong person when he wrote the County Executive; is that the state of management in this County? It is remarkable to me the depth of indifference that exists in the Executive Branch to policy questions. The Legislature set a policy in motion, it was not only ignored through indifference, by filing this resolution it was ignored proactively; in other words, they took an action to nullify it. That suggests to me that nobody's -- well, it further suggests to me that nobody is really managing the ship, captaining the ship, that the Criminal Justice Coordinator for the County agrees that you need to have planning before you engage in building, that's what he also said. So when Legislator Carpenter suggests that the Executive Branch agrees, that the County Executive agrees that we need to have this prison done immediately, well, it may be but nobody is taking responsibility for it, and that's troubling also.

Finally, on the merits, it is important that before we commit to 40 million and you know there's going to be cost overruns so it's going to be more than 40 million in the end, we need to know what we need to build in terms of what the population will be. We need to study what works and what doesn't work. We heard discussion that we have a significant population of mentally ill and substance abusers. In other counties they have -- around the country they have worked with the process that Director Iaria mentioned that the Justice Department recommends, they have worked through that process to address discrete populations like that that have reduced the amount of jail days effectively, as much as 10%; that, if we could reduce 10%, would solve the problem of 140 bed expansion. Now you hear about 600. So if it is 600 beds, why are we going through it piecemeal? We need to have an approach that looks at the entire process, the entire criminal justice process, the entire incarceration need for the future and arrives at a policy that is rationale. That process was begun in earnest back in 1998, it was abandoned and to not fulfill the policy that we adopted

at that time would be a grave mistake to the taxpayers of this County.
Thank you.

CHAIRPERSON CARPENTER:

I hope that what's been said here this morning will wind up being acted upon and that we will move forward in a productive manner. I said it earlier and I'm going to say it again, I don't think it does us any good to point fingers or try to characterize this as anything but an unfortunate situation and we need to make it right and make it better.

I would recommend that when you arrange to meet, the County Attorney, Sheriffs, would think that Vinny would have a lot of input into the process and certainly Joe Michaels from the County Executive's so that everyone is clued in. That you also reach out to Legislator Caracappa and Legislator Caracciolo who had both chaired the Needs Assessment Committee and I think that the work that they have done on this issue and the input that they can provide and also be a link back to the Public Safety Committee to show us that there really is movement on this so that we can move forward with what we need to do.

To the issue of inviting the Commission of Corrections to address the meeting, I don't think at this point it would be terribly productive. And I would be concerned, lest we find ourselves in a situation that you had related had occurred at some other Legislative bodies across the State, where you get engaged in a fingerpointing exercise and then we're on their hit list. So I think that perhaps we need to work through this ourselves before we go bring them into the process. I think that if we can demonstrate that we're sincere in trying to address this dilemma that we will be successful in getting the necessary variances until we can get those extra beds built.

So we have a motion and a second to table this resolution till the October committee meeting. All those in favor? Opposed?
The resolution is tabled (VOTE: 6-0-0-0). Undersheriff?

UNDERSHERIFF DENZLER:

On behalf of the Sheriff, he would like all of you to come and visit the facilities. Legislator Nowick has come and visited Riverhead, Legislator Bishop is scheduled to visit Yaphank next week. All of you, we would like you at any time that it's convenient for you to give a call to my office, I would be more than happy to take you on a tour of the facilities. And it's important that you see both, Riverhead and Yaphank, because it's a combined thing.

And just to clarify one thing so there's no misinterpretation. The correspondence that the Sheriff had sent to the County Executive was copied to the County Attorney's Office; if you look at the copy list

you'll see everybody was copied with that correspondence.

CHAIRPERSON CARPENTER:

Okay. Thank you very much. You're suggestion about visiting the jail, we I know have in the past, I remember Legislator Postal and I and a number of other Legislators. And perhaps you might want to look at our schedule when we're out in Riverhead, that was when I guess it was Sheriff Mahoney at the time had invited us to come and tour the

44

facility and it just makes it logistically a lot easier. And if we can get --

UNDERSHERIFF DENZLER:

Whenever you'd like to do it, we're there all the time.

CHAIRPERSON CARPENTER:

Yeah.

UNDERSHERIFF DENZLER:

So just stop in even unannounced and we'd be more than happy.

CHAIRPERSON CARPENTER:

Okay. Thank you very much, gentlemen. I appreciate your time and attendance here this morning and everyone's input, especially the committee, on this subject.

We will move to the agenda. And I know that that Commissioner Gallagher is here, and also Fred Daniels from FRES; if you would both come forward because there are some resolutions that we'll be addressing that we'll need your input on.

COMMISSIONER GALLAGHER:

It's very late.

CHAIRPERSON CARPENTER:

While you're collecting yourself, I'm going to start with Fred. I know there's a copy, and I hope everyone on the committee has it, from the Chairperson of the FRES Commission, Norman Riley, addressing Resolution 1647 and 1649 these resolutions we tabled subject to call in the last committee, and you would -- I'm sure everyone will remember that Legislator Towle had circulated copies and wanted to get the resolutions discharged on the floor on Tuesday. I told Legislator Towle that I would invite you here. I know that both Commissioner Gallagher and Commissioner Fischler had spoken about the resolutions which was why we tabled it subject to call, but I did promise Legislator Towle that we would bring it up again this morning, that we would again give the Commissioners an opportunity to speak to it and certainly invited him to be here this morning; unfortunately he is not

here. Fred, if you want to go forward.

DEPUTY COMMISSIONER DANIELS:

Thank you, Madam Chairman. First of all, let me just say that we appreciate Legislator Towle's interest and concerns for the fire service and of course EMS service. We discussed at length before the FRES Commission the two resolutions in question, we had also discussed this prior, several months ago, but again certainly it's resurfaced. And the end result was that a letter was voted by the FRES Commission -- now, just let me say, the FRES Commission represents all the fire and EMS organizations within Suffolk County. In any event, a letter was moved forward and the letter, the gist of the letter actually is that though, again, we appreciate Legislator Towle's intent, we oppose the legislation that he has sponsored for a number of reasons; one, of course, the cost involved in the overtime that would incur specifically in FRES and the other departments. We have taken a figure to try to assess just how much it would cost us with

45

the seven days that would be allotted to volunteer fire fighters within our department -- and of course, as you are aware, our department is comparatively small -- we came up with a figure of approximately 71,000 annually in overtime additional for those seven individuals for -- I stand corrected, for those seven days and that figure represents approximately 20% of our annual overtime budget. So for that reason, we of course do not support this particular resolution.

Also, as the FRES Commission has indicated, in their letter they state additionally, "It creates volunteers as a separate class of people who may be denied employment because they will get more time off." This is a grave concern with the FRES Commission and with the fire service as a whole.

So to summarize, on the case of both resolutions, we do not feel that the fire or EMS service or FRES can support either one.

CHAIRPERSON CARPENTER:

Thank you Fred. John, do you want to speak to those two resolutions again, please, so I can --

COMMISSIONER GALLAGHER:

It's just to put on the record the impact of such resolutions to this department, to the Police Department. We did a survey which may not even be complete as to numbers, but based on the numbers on approximately -- the personnel we were able to survey, we have Suffolk County Police Department personnel who are volunteer firefighters within the sworn officer category, that is the category of all those who are members of the police service, sworn officers, we have 105

total who are members of the volunteer fire services, either EMS or fire fighters. We have 17 civilian employees who are also volunteer fire fighters for a total of 122 individuals or total personnel surveyed to date. That would give us a release day total within the department of 854 days which is really a staggering number for us to have to deal with. Within the release day it breaks down to a total of 462 release days in the Patrol Division, 70 release days in the Detective Division and 322 release days in Support Services for the personnel that work in those three divisions.

So for that reason alone, you know, I have to speak in support of the resolution out of the FRES Commission, that the intent is good but I think the impact would be massive for us to have to deal with.

CHAIRPERSON CARPENTER:

I would imagine, too, that other departments like Health and, you know, the Department of Public Works, as was discussed at the FRES Commission, Social Services all too have volunteers. And in a work force of over 10,000 employees, that could be more than problematic.

Okay, thank you. Commissioner Gallagher, are there any resolutions that you want to address specifically before we begin with the agenda?

COMMISSIONER GALLAGHER:

No, I think all of the resolutions that are ready to be called today are resolutions we have already addressed in the past. I don't see

46

anything of any specific import that we would be dealing with that's new.

CHAIRPERSON CARPENTER:

Thank you. Legislator Caracappa I believe had a question for Commissioner Gallagher.

LEG. CARACAPPA:

Good morning, Commissioner.

COMMISSIONER GALLAGHER:

Good morning.

LEG. CARACAPPA:

Earlier members from the Farmingville community came and spoke about an incident that took place, actually it was a day after the last Public Safety meeting with a gentlemen by the name of Mr. McManus. I checked with the local precinct after the incident happened and got some information, but I wanted to hear it from you with relation to the policy of the Police Department.

What had happened is, if you're not aware --

COMMISSIONER GALLAGHER:
I'm not.

LEG. CARACAPPA:

The day after Mr. McManus came here to testify about an incident that took place and he had some criticism about the Police Department, 4:30 the next morning there were two uniformed police officers coming through his back door. They said they were investigating a robbery that had been called in, that happened to be the case, that a 911 call had come in a few minutes earlier, the police were in the area doing a sweep, they were chasing -- the police officers words were they were chasing a Hispanic male carrying an armful of video tapes that they suspect he robbed from a local -- a neighboring vehicle. The police officers claim they saw this gentleman go over the fence, video tapes in hand, and that's the reason that they went into Mr. McManus' backyard. Is it the policy of the Police Department to allow police officers to go through back doors or any other entry-ways of a residential home without knocking if they're in pursuit?

COMMISSIONER GALLAGHER:

In the -- well, the issue is what we generally call in law hot pursuit. If they are pursuing somebody, you know, who is -- they have probable cause to suspect has committed a crime, they can pursue over any, I would say, open property or property that's not -- they cannot enter a house --

LEG. CARACAPPA:
They did.

COMMISSIONER GALLAGHER:

-- unless they have -- again, I'm not an attorney, I would defer to Counsel, I don't want to get too technical -- but if it's hot pursuit, certain levels of crime they would be -- again, assuming probable

47

cause. But the act you described was some form of burglary or larceny taking property from someone's automobile, that would not I think qualify -- I'm pretty sure would not qualify under the law to allow a police officer to enter a home. But to enter someone's yard in pursuit of somebody, yes, I think that would be allowed.

LEG. CARACAPPA:

I would assume a yard would be, especially in hot pursuit, but it struck me as very odd that they entered the premises without knocking or anything, they went through a back sliding glass door, flashlights in hand and startled Mr. McManus and his children. And Mr. McManus actually, in his own account, said that he went after the men, he

couldn't tell in the darkness if they were police officers with lights shining in his face, that he was called off as he approached them at the last second by, you know, the calls of, "Stop, we're police officers, we're chasing a suspect."

If you're saying it's not the policy for police officers to enter into a premises based on these conditions, I'm asking you as Commissioner to look into this problem -- well, to me it's a problem -- to see exactly if that was what happened and if it was strictly in relation to the chasing of a suspect.

COMMISSIONER GALLAGHER:

Yes, I will definitely. You have a date on this?

LEG. CARACAPPA:

Well, when was the last --

COMMISSIONER GALLAGHER:

The day after?

CHAIRPERSON CARPENTER:

The day after the last Public Safety Committee was what the gentleman said today.

COMMISSIONER GALLAGHER:

I'm sure I could get the records from the 6th Precinct.

LEG. CARACAPPA:

It was 4:30 in the morning.

COMMISSIONER GALLAGHER:

September 12th? Thank you.

LEG. CARACAPPA:

Yes, it was the day after September 11th.

CHAIRPERSON CARPENTER:

Right, that's correct.

COMMISSIONER GALLAGHER:

All right, I have a staff aide behind me who I'm sure can take a note of that.

48

CHAIRPERSON CARPENTER:

Thank you very much.

LEG. CARACAPPA:

Yes, the morning of the 12th around 4:30. And that was Bluepoint Road

in Farmingville.

COMMISSIONER GALLAGHER:
Thank you.

CHAIRPERSON CARPENTER:
Okay. Are there any other questions for the Commissioner? Sure,
Legislator Nowick.

LEG. NOWICK:
Commissioner, and the answer is probably yes, just for my
clarification. Does the Suffolk --

COMMISSIONER GALLAGHER:
Yes.

LEG. NOWICK:
-- county Police Department have an Internal Affairs Division, a
separate Internal Affairs Division that investigates things like this;
we do, right?

COMMISSIONER GALLAGHER:
Yes. The Internal Affairs Bureau reports directly to me. You might
have -- most recently they made rather prominent headlines in most of
the media with the arrest of one of our officers for possession and
sale of cocaine.

LEG. NOWICK:
I thought you did.

COMMISSIONER GALLAGHER:
I mean, that was an Internal Affairs case.

LEG. NOWICK:
I thought you did. I was asked by one of my constituents and I just
wanted to make sure. Thank you.

COMMISSIONER GALLAGHER:
Absolutely. They would be the ones who if a complaint had been filed,
I don't know if the gentleman filed a complaint, it would be turned
over to Internal Affairs to review because that's conduct unbecoming
for an officer, it's against rules and procedures. That's what the
charge would be so they would look into it.

CHAIRPERSON CARPENTER:
Thank you. If there are no other questions, let us move then to the
agenda.

TABLED RESOLUTIONS

IR 1590-02 - Amending the 2002 Operating Budget and transferring positions from the Department of Public Works to the Suffolk County Police Department (Postal). I think we will table. I make that motion, second by Legislator Nowick. All those in favor? Opposed? The resolution is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1638-02 (P) - Establishing Anti-Gang Youth Bureau to educate school children (Fields). Again, we're going to table this. Same motion, same second. All those in favor? Opposed? It's tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1648-02 (P) - Establish Common Sense Police Emergency Response Act of 2002 (Towle). Is there a motion?

LEG. BISHOP:
1648?

CHAIRPERSON CARPENTER:
Yeah, 1648. It's been tabled for a number of meetings.

LEG. CARACAPPA:
Motion to table.

CHAIRPERSON CARPENTER:
Motion to table by Legislator Caracappa, second by Legislator Bishop. All those in favor? Opposed? It is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1829-02 (P) - Adopting Local Law No. 2002, a Local Law authorizing property tax exemption for volunteer firefighters and ambulance workers (Cooper). We had much discussion on this as far as whether we were going to do a Sense Resolution to the other municipalities or also wait for the State to make the necessary changes on this piece of legislation.

LEG. CARACAPPA:
Has that happened? I had received a call from Assemblyman Levy recently saying that they were going to do it almost immediately, I'm not sure if they had --

CHAIRPERSON CARPENTER:
I had heard that they were going back into special session, but to date that has not happened. So we'll then I guess make a motion to table. Second?

MR. SABATINO:
Just so you know, what happened based on that letter that Legislator

Caracappa had just discussed, the sponsor of this bill asked for an amendment based on the recommendation from Assemblyman Levy's Office. So there is a corrected copy which basically states that it will either be the arithmetical formula that's currently in the State Statute which is already written into the Local Law or such other change or amendment that may be done by the state Legislature. That's been incorporated in a corrected copy and it's eligible for a vote. However, you have to make a decision as to whether you feel

50

comfortable with that because now you don't know what that new arithmetical formula, if there in fact is one, is going to be.

CHAIRPERSON CARPENTER:
Uh-huh.

MR. SABATINO:
So I just want you to be aware that you've got the possibility of voting on what they recommended but you have to make a decision.

CHAIRPERSON CARPENTER:
Okay. Well, I would -- pardon me?

LEG. CARACAPPA:
We're doing it blind basically.

CHAIRPERSON CARPENTER:
Right. So we probably then would be well advised to table this and wait until that session takes place. All those in favor? Opposed? The resolution is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1832-02 (P) - Adopting Local Law No. 2002, a Local Law implementing volunteer firefighter and ambulance worker County Real Property Tax Exemption (County Executive). This is the County Executive's. I guess we'll go along with the same premise here and -- because they are pretty similar these two resolutions; in fact, we should see about the sponsor, both sponsors looking at coming up with one resolution. But we'll do same motion, same second, same vote on 1832. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1857-02 (P) - Establish policy for police line-up identification (Postal). Legislator Postal, who unfortunately had to leave, did mention that she was ready to have this moved, she was waiting for some correspondence from the DA and didn't receive it.

LEG. CARACAPPA:
On the motion.

CHAIRPERSON CARPENTER:

Yes, Legislator -- who is that? Oh, Caracappa.

LEG. CARACAPPA:

I understand what Legislator Postal is trying to do here, I just want to get a little background as to the extent of what she's trying to achieve.

MR. SABATINO:

I think that Legislator Postal did this in reaction or response to an event that occurred in Nassau County where it was disclosed publicly recently that individuals under the age of 18 were basically getting paid to participate in police line-up identifications. And I think in the case of one of the individuals, a person may have been erroneously identified as a perpetrator which, you know, caused all kinds of legal problems for the family. So what Legislator Postal was trying to do in Suffolk County is to address that issue by saying that if it's

51

somebody under the age of 18, their participation should involve at least a written consent of a parent or a guardian so that there's some thought process that goes into it.

LEG. CARACAPPA:

So it wouldn't preclude young people from being -- helping the Police Department with this line-up procedure. Because I can tell you from my own personal experiences, it was a very -- if the children -- if the kids who didn't participate, if they didn't do it at all, certain victims of crimes would wait very long periods of time to get a line-up to see, to identify the perpetrator of a crime against them. The same thing happened with me where fortunately they were able to get basically young people to come and volunteer for line-up, apparently it's custom to do that and they do it willingly and it sped up the process of me being able to identify certain people who perpetrated a crime against me. And I don't want to put other victims in basically a waiting game or a long waiting period to be able to identify certain people who have committed crimes against them and let them get all lawyered up, whatever they need to do, and give these people -- again, create a cent -- serve these crimes again to other people time to, you know, protect themselves where it actually flips it and makes the victim more so of a victim.

MR. SABATINO:

Well, the only point I would make is that if it's an individual who was arrested in correction with an alleged crime then they're not covered by the statute, this is non-arrestee under the age of 18 situations. But, I mean, it's basically -- it's policy.

CHAIRPERSON CARPENTER:

Well, it seems to me that it might, you know, slow the process a tad because you're needing to get that permission, but for someone under 18 or a parent, you know, not to know that their child is in a police line-up as a volunteer even I think --

LEG. CARACAPPA:

I agree with that.

CHAIRPERSON CARPENTER:

Yeah.

LEG. CARACAPPA:

I have no problem, I just wanted to make sure you weren't ending the policy of bringing in people who -- let's say it was young people and you need to bring in teenagers for this line up, that we wouldn't be stopping that procedure and bringing those people in to help if they wanted to.

MR. SABATINO:

The key is if you're a non-arrestee, if you're a not somebody who the police suspect, if you're a non-arrestee and you're under the age of 18, what this says is that in order to participate there's got to be a written notarized statement from the parent or the guardian saying, "Yes, they're participating with our consent." That's paperwork, I mean, paperwork I suppose will incur some degree of delay, it's a trade-off I think that that you have to assess. I don't know how long

52

the delay would be, I guess it's a function of whether the parents are readily accessible. I don't know enough about how they're getting children to participate under the current system to be able to tell you much delay would be built into it.

CHAIRPERSON CARPENTER:

If they have a group of individual young people who volunteer, as Legislator Caracappa said, to do this on a regular basis, would they not be able to have a blanket permission that would cover them for a certain time period?

MR. SABATINO:

In essence, I was thinking of that. I mean, if there's -- and again, I don't know this, but if it's true that there are some people who do it on a regular basis then, sure, you would get a blanket consent. The key from Legislator Postal's perspective is she doesn't want individuals under the age of 18 to be participating without a more responsible person basically consenting.

LEG. CARACAPPA:

It's reasonable. I just wanted to make sure we weren't ending the

policy of bringing kids in.

CHAIRPERSON CARPENTER:

Great. Okay, I'll make that motion. Is there a second?

LEG. LINDSAY:

I will second.

CHAIRPERSON CARPENTER:

Second by Legislator Lindsay. All those in favor? Opposed?

The resolution is approved (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1860-02 (P) - Establishing a Child Sexual Abuse Prevention Education Policy for Suffolk County (Cooper). Yes?

MS. LOMORIELLO:

At the request of Jonathan, he requests that it be tabled at this time.

CHAIRPERSON CARPENTER:

Oh, terrific. We have a motion, I will make that motion to table, second by Legislator Bishop. All those in favor? Opposed? It is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

Does that hold true with the next resolution, too?

1861-02 (P) - Establishing contract agency selection process for Education Component of Universal Child Sexual Abuse Reporting Policy for Suffolk County (Cooper).

MS. LOMORIELLO:

No, and don't kill the messenger on this one, okay. On the next one, 1861, it is has been added to this resolution as requested by the Counsel's office that an RFQ process be added to this to determine

53

agencies who would be eligible to provide the service. So Legislator Cooper is just asking that this bill can be discharged so that you can debate it and discuss it further on Tuesday. But it was requested that the RFQ process be added to it, that's a Request For Qualifications.

CHAIRPERSON CARPENTER:

Right. So did he, in fact, change the resolution to reflect that?

MS. LOMORIELLO:

Yes, it does reflect that.

MR. SABATINO:

Just to refresh everyone's recollection, again, you've got to consider 1861 in connection with 1734 and 1799 which is Legislator Caracappa and Legislator Nowick's competing version. So it's a multiple choice but you can only pick one of the three.

LEG. CARACAPPA:
On the motion.

CHAIRPERSON CARPENTER:
Legislator Caracappa.

LEG. CARACAPPA:
I hate to be redundant on this, I know you've heard from me on several occasions about it. With 1861, I think it adds a whole layer of bureaucracy to what the end result would be. The clear, concise bill that we should be considering and adopting is Legislator Nowick's bill which has a whole host of agencies. It will even add the RFP process to the contract agencies involved in your bill somehow, some way, I think it still eliminates the whole rigmarole of bringing Social Services in and Tom Williams and his group who are supposedly experts; I respectfully disagree. But the clearer way to go is Legislator Nowick's bill because it outlines who the agencies are, they're all competent, it's something this committee asked, it's something that the majority of the Legislature asked for and it just makes sense.

MS. LOMORIELLO:
Can I go on with that, please?

CHAIRPERSON CARPENTER:
Sure, go right ahead.

MS. LOMORIELLO:
I've been in contact with Vicki Mo and I've been contact with Sylvia Diaz and there are a few agencies that are on Legislator Nowick's bill that probably do not meet the qualifications. DSS would write up the qualifications and that is the proper way to go. I mean, even if it take a little more time, the feeling is that this has to -- this is a serious issue and an RFQ process, Request For Qualifications, can be drawn up and it could be presented and the proper agencies would be then qualified to apply for this.

Now, I quite don't understand what you're talking about when you say let's add an RFQ process to Lynn Nowick's bill and how that would expedite the process of Jonathan's bill, more so than Jonathan's bill;

that's what I'd like to know, is how do you see that expediting this issue. RFQ is an RFQ.

LEG. CARACAPPA:

Well, first of all, I find it --

CHAIRPERSON CARPENTER:

Excuse me.

LEG. CARACAPPA:

-- completely idiotic that this committee let's aides debate with Legislators, number one.

CHAIRPERSON CARPENTER:

I was just going to step in, if you would allow me the time.

MS. LOMORIELLO:

Okay. All right. I'm sorry about that.

CHAIRPERSON CARPENTER:

You're here -- you know, the Legislator can't be here, I understand that, and he sent you here to represent him.

MS. LOMORIELLO:

Yes, he did.

CHAIRPERSON CARPENTER:

If you want to address the committee and, you know, put forward his thoughts on it that's one thing.

MS. LOMORIELLO:

Those were his thoughts.

CHAIRPERSON CARPENTER:

But we really can't have a debate back and forth.

MS. LOMORIELLO:

Okay, you got it.

LEG. CARACAPPA:

I'll answer. The reason why I even suggested it was as a compromise to what you're saying and what Counsel has recommended. I still firmly believe Lynn's bill is the way to go because it's what this committee asked for from day one.

One final point, and I'm sorry for getting angry, but when Jonathan passed his bill, it was matter of urgency, it should happen, had to happen immediately. We were told by Counsel back in June that we have to pick an agency right away, still today, we're in October, we have not picked an agency. I put a bill forward to get one agency on line until the Legislature can pick a system to go by so that we had the final component in Jon's bill which was important which we all voted for, now here we are again October, still no agency and here we are

looking to extend the process with an RFQ process as well which is going to take months. Look, we sat here and we just talked for an hour and a half about an RFP that's taken three years. I've served on RFQ

55

committees which lasted a year and a half. So what are we going to do, implement a piece of legislation that's null and void because we can't come an agreement on doing what is right and that's just naming the agencies that supply services in this County as contract agencies that are qualified. We don't need to do RFQ's, we don't have to go through Social Services, just pass Lynn's bill and let's get it over with.

CHAIRPERSON CARPENTER:

I would have to agree with what Legislator Caracappa is saying. I did hear that same discussion, that we needed to have agencies identified and Legislator Nowick went forward with expanding it from just the one contract agency and, in fact, tabled it last time to include some. So I would ask, Legislator Nowick, if your bill has been changed to include those additional changes?

LEG. NOWICK:

Paul, that bill was changed, we took out Response, we added another one in there, right? We couldn't pass it the last time because I had made a change and it wasn't timely, it was --

MR. SABATINO:

That's correct.

LEG. NOWICK:

So it --

MR. SABATINO:

While I'm looking for that, just to clarify the record, I did not suggest the RFQ; the RFQ was suggested by Social Services. So they're mutually exclusive ideas. Legislator Nowick's bill is properly constructed based on line item of the entities. Legislator Cooper's bill jumps into the RFQ process because he's not identifying the agencies. So --

LEG. NOWICK:

Well, we've identified the agencies, let's go through with it and do it and get it done.

MR. SABATINO:

I'm just double checking on Legislator Nowick's' because I'm pretty sure that we did it but I'm not positive.

LEG. NOWICK:

We were a little late the last time, we had -- I was under the

assumption we had it done but it was like a day.

MR. SABATINO:

I can't remember, though, I don't remember if we got the names or not.

LEG. NOWICK:

I think Response had to come off of it because that's a different kind of an organization.

CHAIRPERSON CARPENTER:

In the meantime, while we're checking on that, I would just like to say I think that if the Department of Social Services feels that an

56

RFQ is necessary or has a problem or thinks it needs to be codified better, this does not. If we move forward with Legislator Nowick's bill, it certainly doesn't preclude them from coming forward and asking for that policy to be adopted.

MR. SABATINO:

Okay, where we are on Legislator Nowick's bill is we have -- these are the agencies that are listed; we have Parents for Megan's Law, Family Service League, Pedersen Krag, Response and Scope.

LEG. NOWICK:

But we were supposed to have taken out Response last time.

MR. SABATINO:

Okay. Well, I never --

LEG. BISHOP:

Table them all.

MR. SABATINO:

I never got -- the last thing I recall was that there was some talk about making a change but it wasn't clear on what the change was going to be.

CHAIRPERSON CARPENTER:

I don't see that bill on this agenda.

LEG. CARACAPPA:

It's live on the floor.

MR. SABATINO:

Because it got out to the floor of the Legislature.

CHAIRPERSON CARPENTER:

Oh, okay, so it's on the floor.

MR. SABATINO:

And so did Legislator Caracappa's.

CHAIRPERSON CARPENTER:

Okay. Well, if it hasn't been changed, as we heard earlier, you'll have until Monday to make any changes on the bill. So it's already on the floor so --

MR. SABATINO:

And I heard about this when I got back from the other meeting; the corrected copy deadline was last Monday.

CHAIRPERSON CARPENTER:

Not this coming Monday?

MR. SABATINO:

It was this week for next week, so I don't know who made that statement earlier this morning but it's eight days before. But we can make the corrected copy but that will just push it out to the next session, that's all.

57

CHAIRPERSON CARPENTER:

Okay. Then I -- is there a motion on 1861?

LEG. CARACAPPA:

Motion to table.

LEG. NOWICK:

Second.

CHAIRPERSON CARPENTER:

Motion to table by Legislator Caracappa, second by Legislator Nowick. All those in favor? Opposed? The resolution is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1878-02 (P) - Appropriating funds in connection with the renovations & additions to Police Precinct Building - 4th Precinct (Cp3184) (County Executive). I will make the motion to table, second by Legislator Lindsay. All those in favor?

LEG. LINDSAY:

Why are we tabling this?

CHAIRPERSON CARPENTER:

Because the plan for the Hauppauge Complex was supposed to be coming forward and they had asked to wait. And I would hold it until we get hear the end of the year and then move it if we don't have it.

LEG. LINDSAY:

Okay, that's fine.

CHAIRPERSON CARPENTER:

All those in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1916-02 (P) - Adopting Local Law No. 2002, a Local Law to implement enforcement of prohibition on video voyeurism in public fitting rooms, bathrooms and dressing rooms in Suffolk County (Cooper). The committee -- I mean the public hearing was held and closed, so this is eligible.

MS. LOMORIELLO:

The sponsor wants it tabled.

CHAIRPERSON CARPENTER:

The sponsor would like it tabled. All right, we have a motion, I will make that motion to table, second by Legislator Nowick. The resolution is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1946-02 (P) - Adopting Local Law No. 2002, a Local Law to prohibit operation of motorized scooters in Suffolk County (Carpenter). I will make a motion to approve.

LEG. NOWICK:

Second.

58

CHAIRPERSON CARPENTER:

Second by Legislator Nowick. All those in favor? Opposed? The resolution is approved (VOTE: 5-0-0-1 Not Present: Legislator Postal).

1972 -- oh, we did this already, okay this is tabled till the October meeting.

1647 and 1649 were tabled subject to call. Is there anyone who wants to entertain addressing these resolutions? We will move on then to 1992.

INTRODUCTORY RESOLUTIONS

1992-02 - Amending the 2002 Adopted Operating Budget appropriating funds for the Vocational Education and Extension Board (VEEB) (Haley).

LEG. CARACAPPA:

Motion to defer.

CHAIRPERSON CARPENTER:

Motion to defer to prime. I will second that motion. All those in favor? Motion is deferred to prime (VOTE: 5-0-0-1 Not Present: Legislator Postal).

We should probably do that with the next resolution, too. Same motion, same second on 1993-02 - Amending the 2002 Adopted Operating Budget appropriating funds for the Police Athletic League (Haley). Deferred to prime (VOTE: 5-0-0-1 Not Present: Legislator Postal).

2016-02 (P) - Amending the 2002 Capital Program & Budget and appropriating planning funds for the construction of Suffolk County Police Museum Building (CP 3146.110) (Towle).

LEG. LINDSAY:

I will make a motion to table.

LEG. NOWICK:

Second.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator Nowick to table. All those in favor? Opposed? It is tabled (VOTE: 5-0-0-1 Not Present: Legislator Postal).

2025-02 (p) - Appropriating funds in connection with the additional renovation to the Sixth District Court (CP 1106) (County Executive). Let me just check on this. Paul, if you would just give me a synopsis of that while I'm turning to it if you've got it handy.

MR. SABATINO:

This is going to basically appropriate \$2.3 million from the existing Capital Budget for work at the District Court. So it's not adding to the Capital Budget, it's appropriating money that was previously --

CHAIRPERSON CARPENTER:

Approved.

59

MR. SABATINO:

-- budgeted.

CHAIRPERSON CARPENTER:

Okay, very good. Motion by Legislator Lindsay, I will second that motion. All those in favor? Opposed? The resolution is approved (VOTE: 5-0-0-1 Not Present: Legislator Postal).

And the meeting is adjourned. Thank you for your patience, that was a long meeting.

(*The meeting was adjourned at 12:06 P.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

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